



# Licensing Committee

Mon 20 Mar  
2023  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact**

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## **GUIDANCE ON PUBLIC SPEAKING**

**At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.**

**Please note that this is a public meeting and is open to the public to attend.**

**If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.**

### **PUBLIC SPEAKING**

The total maximum time permitted for public speaking is 15 minutes and the time limit for individual speakers is 3 minutes.

Only those members of the public who have registered to speak in advance of the meeting will be permitted to do so.

To register to speak you must contact Democratic Services by phone on 01527 64252 ext 3304, or email [gavin.day@bromsgroveandredditch.gov.uk](mailto:gavin.day@bromsgroveandredditch.gov.uk) before 12 noon on Friday 18<sup>th</sup> March 2023.

When registering to speak you must give your name and contact telephone number and indicate which agenda item you wish to speak about, and whether you are in support of or opposed to the officer recommendation.

### **Notes:**

**Although this is a public meeting, there are circumstances when the Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public and press are excluded.**

# Licensing

COMMITTEE

Monday, 20th March, 2023

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	Salman Akbar (Chair)	Andrew Fry
	Tom Baker-Price (Vice-Chair)	Sharon Harvey
	Karen Ashley	Sid Khan
	Joanne Beecham	Emma Marshall
	Michael Chalk	Timothy Pearman
	Brandon Clayton	

1. Apologies
2. Declarations of Interest

***To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.***

3. Minutes (Pages 5 - 6)

***To consider the minutes for the Licencing (Parent) Committee of 9<sup>th</sup> January 2023.***

4. Public Speaking
5. Delegating out of age criteria to officers - Consideration of consultation responses. (Pages 7 - 108)
6. Review of Sex Establishment Licensing Policy - Consideration of consultation responses. (Pages 109 - 148)
7. Hackney Carriage Table of Fares - Annual review (Pages 149 - 156)
8. Verbal Update - Bleed Control Kits in Licensed Premises
9. Work Programme (Pages 157 - 158)

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# Licensing Committee

Monday, 9 January 2023

## MINUTES

### Present:

Councillor Salman Akbar (Chair), Councillor Tom Baker-Price (Vice-Chair) and Councillors Karen Ashley, Joanne Beecham, Michael Chalk, Brandon Clayton, Andrew Fry, Sharon Harvey, Sid Khan, Emma Marshall and Timothy Pearman

### Also Present:

Councillor Imran Altaf

### Officers:

Dave Etheridge and Vanessa Brown

### Committee Services Officer:

Gavin Day

### 8. APOLOGIES

There were no apologies for absence.

### 9. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 10. MINUTES

#### RESOLVED that

The minutes of the Licencing Parent Committee held on the 17<sup>th</sup> October 2022 were approved as a true and accurate record and signed by the Chair.

### 11. PUBLIC SPEAKING

There was no public speaking.

### 12. DELEGATION OF DECISION MAKING IN RESPECT OF CERTAIN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE

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Chair

**LICENCE APPLICATIONS - CONSIDERATION OF  
CONSULTATION RESULTS**

The Chair announced that information had recently come to light that indicated a more detailed analysis and examination of the data was required to ensure Members had a full and accurate report from the Licencing Officer.

The Chair further announced that the item would be deferred pending the results of that analysis.

During the proceeding discussion the following points were raised

- That Members would have appreciated more notice being given, the Chair apologised for the late notice. However, it was clarified that the information in question had only come to light during the Chairs briefing which had taken place prior to the Committee meeting commencing.
- That no additional data would be collected, the current existing data was going to be examined and interrogated further, following which Officers would present the findings to Members.

**Resolved that**

**The agenda item be deferred to a later Licencing Committee meeting and rescheduled on the work programme.**

**13. WORK PROGRAMME**

Members requested an additional meeting be added in February for the deferred item, as referred to in the preamble above, due to the busy schedule in March. Officers replied that it would be dependent on how long they needed to thoroughly interrogate the data, but agreed that another meeting would be scheduled if possible.

Councillor Marshall requested that Officers investigated the possibility of making it a requirement for all late-night licenced establishments to have a bleed kit.

**Resolved that**

**A report on requiring late night establishments to have a bleed kit to be added to the work programme**

**LICENSING COMMITTEE**9<sup>th</sup> January 2023**DELEGATION OF DECISION MAKING IN RESPECT OF CERTAIN  
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE  
APPLICATIONS – CONSIDERATION OF CONSULTATION RESULTS**

Relevant Portfolio Holder	Councillor N Nazir
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

Currently any application to grant or renew a licence a vehicle as a hackney carriage or private hire vehicle where the vehicle does not meet the Council's requirements in respect of its age, has to be determined at a Licensing Sub-Committee meeting. Members have previously approved consultation on delegating such decision-making powers to officers instead. The results of this consultation are now being provided to Members for consideration.

**2. RECOMMENDATIONS**

**That Members RESOLVE whether they wish to proceed with the actions required to delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs of carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Carrying out consultation on any proposals to amend the Council's policies has minimised the risk of a successful legal challenge if the proposals are subsequently implemented.

- 3.3 Any proposed changes to the scheme of delegations will need to be approved by the Constitutional Review Working Party and recommended to Council.

**Service / Operational Implications**

- 3.4 On 21<sup>st</sup> March 2022 the Licensing Committee approved a new Hackney Carriage and Private Hire Vehicle Licensing Policy which took effect on 1<sup>st</sup> September 2022. A copy of the policy can be seen at **Appendix 1**.
- 3.5 The new policy sets out the criteria that must be met by vehicles that are licensed as hackney carriage and private hire vehicles including requirements in respect of the age of the vehicle.
- 3.6 These new vehicle age requirements for hackney carriage and private hire vehicles took effect immediately on 21<sup>st</sup> March 2022 in accordance with the decision taken by the Licensing Committee on that date.
- 3.7 Section 3.12 of the policy sets out how the Council will deal with applications to licence vehicles that do not meet the required criteria. The policy says:
- This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.*
- The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee.*
- 3.8 A considerable number of applications are made each year that require determination by a Licensing Sub-Committee because of the vehicle not complying with the Council's criteria in respect of its age.
- 3.9 It is recognised that arranging and attending Licensing Sub-Committees to determine applications for vehicles that do not meet the required criteria on account of their age, is time consuming and expensive for both Members and officers.
- 3.10 During the coronavirus pandemic, when restrictions were in place that prevented meetings from taking place in person, emergency delegations were put in place to authorise officers to determine applications for vehicles which did not meet the age criteria.



**LICENSING COMMITTEE**9<sup>th</sup> January 2023

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- 3.11 Processes and procedures were put in place by officers that appear to have worked well and allowed good quality decisions to be made professionally and efficiently.
- 3.12 Once the coronavirus restrictions were lifted and face-to-face Council meetings resumed, these emergency delegations were removed and decision making on such applications returned to Licensing Sub-Committees with the first such Sub-Committee taking place in November 2021.
- 3.13 On 17<sup>th</sup> October 2022, the Licensing Committee considered a report inviting them to consider whether to direct officers to carry out consultation on delegating authority to determine this type of application to officers.
- 3.14 After some debate as to the advantages and disadvantages of such an approach, Members resolved that consultation should be carried out on delegating authority to Officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle had not met the Council's required criteria in respect of the age of the vehicle.
- 3.15 This consultation was conducted between 21<sup>st</sup> October 2022 and 16<sup>th</sup> December 2022. The consultation was undertaken using an online survey tool in part so that people completing the survey would be able to use freely available online translation tools to translate the questions being asked into any language of their choosing.
- 3.16 A link to the online survey was sent to all licence holders and also to the Redditch Taxi Association. It was also sent to all Redditch Borough Councillors and other relevant stakeholders including:
- Relevant national trade bodies
  - Worcestershire County Council
  - Feckenham Parish Council
  - West Mercia Police
  - West Mercia Police and Crime Commissioner
  - Community Safety Team
  - Relevant managers and staff at Crossgates Depot, Redditch
- 3.17 The consultation asked respondents to answer the following question:
- Who do you think should be responsible for deciding whether or not to renew a licence to use a vehicle taxi or private hire vehicle, where that vehicle exceeds the maximum age limit set out in the Council's policy?*

*Councillors (on a Licensing Sub-Committee) or Licensing Officers*

**LICENSING COMMITTEE**9<sup>th</sup> January 2023

- 3.18 In total, 121 responses were received to the main consultation question. The number of responses received were divided as follows:

	<b>Total Votes</b>	<b>%</b>
Councillors (on a Licensing Sub-Committee)	88	72.7
Licensing Officers	33	27.3

- 3.19 Respondents were also asked to explain their reasons for the answer they gave. A total of 51 respondents provided their reasons for giving the answer that they did. The reasons given by these respondents are shown at **Appendix 2**.

- 3.20 Respondents were also asked if they had any other comments to make in relation to this matter. A list of the comments received can be found at **Appendix 3**.

- 3.21 Finally the respondents were also asked to identify what capacity they were responding to the consultation in. The breakdown of the 119 responses received to this question was:

Licensed Taxi / Private Hire Driver	67	56.3%
Licensed Private Hire Operator	13	10.9%
Councillor	6	5.0%
Member of the Public	42	35.3%
Other	3	2.5%

- 3.22 Members will be aware that the results of this consultation were originally due to be considered by the Licensing Committee at a meeting scheduled to take place on 9<sup>th</sup> January 2023. However shortly before that meeting was due to begin, concerns were raised with officers that some respondents to the survey may have submitted multiple responses through the online survey tool.

**LICENSING COMMITTEE**9<sup>th</sup> January 2023

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- 3.23 An initial review of the consultation response data indicated the need for further analysis therefore this matter was deferred.
- 3.24 A closer analysis of the responses received undertaken since the Licensing Committee meeting on 9<sup>th</sup> January 2023, confirms that a significant number of the responses to the online survey originated from a small number of individual IP addresses that had each been used to submit more than one response.
- 3.25 An IP address is a unique address that identifies a device on the internet or a local network. IP stands for "Internet Protocol," which is the set of rules governing the format of data sent via the internet or local network. In essence, IP addresses are the identifier that allows information to be sent between devices on a network: they contain location information and make devices accessible for communication.
- 3.26 A table has been provided at **Appendix 4** to provide details of the number responses submitted where the IP address was used to submit more than one response to the online consultation survey.
- 3.27 This shows that of the 121 responses received to the consultation survey, 82 of these came from one of just 8 individual IP addresses with one IP address having been used to submit a total of 42 individual responses to the survey. Of the 82 responses received from these 8 IP addresses, 79 were in favour of Councillors making the relevant decisions and just 3 were in favour of officers making the relevant decisions.
- 3.28 Members are asked to have regard to the additional information provided above and in the table at **Appendix 4** when considering the results of the consultation exercise.
- 3.29 If the Council ultimately decided to delegate decision making on these applications to officers, it has been previously proposed that the inspection by officers could take place at Crossgates Depot at the same time that the vehicle is subject to its mechanical safety check.
- 3.30 Since the Licensing Committee meeting on 17<sup>th</sup> October 2022, this proposal has been discussed further with relevant members of the team at Crossgates Depot who have confirmed that this is a viable option and one that could be facilitated by them if relevant decision making powers were delegated to officers.

**REDDITCH BOROUGH COUNCIL****LICENSING COMMITTEE**9<sup>th</sup> January 2023

- 3.31 ~~Members are now asked to consider the responses received during this consultation exercise and decide whether they wish officers to proceed with the actions that would be required to delegate authority to officers to determine applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle.~~
- 3.32 Initially this would involve making a recommendation to the Council's Constitutional Working Group for consideration.
- 3.33 If such a recommendation were to be made and ultimately followed, the Council would also need to amend the wording in part 3.12 of its Hackney Carriage and Private Hire Vehicle Licensing Policy to make clear that any applications for licences to use vehicles as hackney carriages or private hire vehicles where the vehicle does not meet the Council's required criteria in respect of the age of the vehicle, will be determined by officers under delegated authority rather than by a Licensing Sub-Committee.

**4. RISK MANAGEMENT**

- 4.1 Proper consultation on any proposals to amend the Council's policies minimises the risk of legal challenge if the proposals are subsequently implemented.

**5. APPENDICES**

- Appendix 1 - Hackney Carriage and Private Hire Licensing Policy
- Appendix 2 - Reasons Given for Answer to Principle Question
- Appendix 3 - Other Comments Received
- Appendix 4 - Table Showing IP Addresses Providing Multiple Responses

**AUTHOR OF REPORT**

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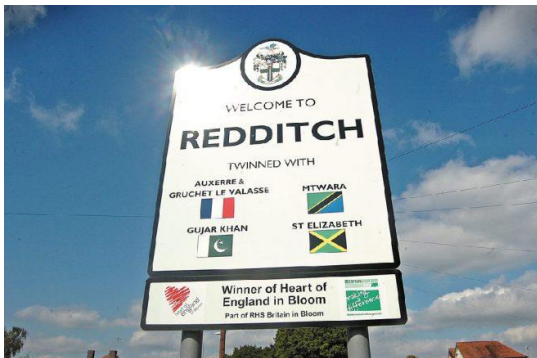
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# Hackney Carriage and Private Hire Licensing Policy



**Adopted with effect from: 1<sup>st</sup> September 2022**

## CONTENTS

### Page

4	<b>Introduction</b>
	<b>Licences to Drive Hackney Carriage and / or Private Hire Vehicles</b>
5	Types of Licence Issued
6	Application Requirements – New Applicants
7	Worcestershire Taxi and Private Hire Competency Certificate
8	Previous Licensing History and Use of the National Register of Revocations and Refusals (NR3)
9	The Fit and Proper Person Test – Drivers of Hackney Carriage and Private Hire Vehicles
11	DBS Update Service Checks
12	Common Law Police Disclosure and Working with the Police
13	Referrals to the Disclosure and Barring Service and the Police
14	Application Requirements – Applicants Renewing a Licence
15	Amending a licence to drive private hire vehicles so as to authorise the holder of the licence to also drive hackney carriage vehicles
16	Review of Licences Issued to Driver of Hackney Carriage and/or Private Hire Vehicles
19	Licence Conditions
	<b>Licences to Use a Vehicles as a Hackney Carriage or Private Hire Vehicle</b>
20	Vehicle categorisation
21	Obtaining a licence to use a vehicle as a Hackney Carriage for the first occasion – Application Requirements
24	Obtaining a licence to use a vehicle as a private hire vehicle for the first occasion - Application Requirements
26	Renewing a licence to use a vehicle as a Hackney Carriage – Application Requirements
28	Renewing a licence to use a vehicle as a Private Hire Vehicle Application Requirements
30	Obtaining a licence to use a vehicle as a Hackney Carriage on a temporary basis Application Requirements
31	Obtaining a licence to use a vehicle as a Private Hire Vehicle on a temporary basis Application Requirements
32	Transferring a licence to use a vehicle as a Hackney Carriage (Change of Proprietor) Application Requirements
33	Transferring a licence to use a vehicle as a Private Hire Vehicle (Change of Proprietor) Application Requirements
34	Changing the vehicle that you are licensed to use as a hackney carriage
35	Changing the vehicle that you are licensed to use as a private hire vehicle
36	Consideration of applications to licence vehicles that do not meet the required criteria
37	The Fit and Proper Person Test – Hackney Carriage and Private Hire Vehicle Proprietors
39	Licence Conditions
40	Vehicle livery requirements
41	CCTV cameras in hackney carriage and private hire vehicles
42	Inspection of hackney carriage and private hire vehicles
43	Powers to suspend and revoke vehicle licences
45	Position on Maintenance of a List of Designated Wheelchair Accessible Vehicles
46	Exempting Proprietor's from Displaying an External Licence Plate on a Private Hire Vehicle

**Page****Licences to Operate Private Hire Vehicles**

- 47 Application Requirements – New Applicants
- 48 Application Requirements – Renewal Applications
- 49 The Fit and Proper Person Test – Private Hire Operators
- 51 Licence Conditions
- 52 Review of Licences Issued to Operators of Private Hire Vehicles

**General**

- 53 Complaints against licence holders
- 54 Duties on licence holders in relation to assistance dogs
- 55 Duration of Licences Issued
- 56 Surrender of Licences
- 57 Refund of Fees Paid When a Licence is Surrendered

**Annexes**

- 59 A Guidelines on the Assessment of Previous Convictions
- 61 B Standard conditions attached to a licence to drive hackney carriage and / or private hire vehicles
- 64 C Standard conditions attached to a licence to use a vehicle as a hackney carriage
- 68 D Standard conditions attached to a licence to use a vehicle as a private hire vehicle
- 72 E Equality Act 2010 – Position Statement on Sections 165 – 167
- 75 F Plate exemption policy for licensed private hire vehicles
- 76 G Standard conditions attached to a licence to operate private hire vehicles
- 80 H Hackney carriage and private hire penalty points system
- 83 I Granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

**1.0****Introduction**

- 1.1 Hackney carriage (taxi) and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 1.2 Redditch Borough Council is responsible for the issuing of licences in respect of those vehicles used as hackney carriages and private hire vehicles as well as those who drive the vehicles and, in the case of private hire vehicles, those who operate them by inviting and accepting bookings.
- 1.3 In all there are five categories of licence that the Council is responsible for issuing:
- Licence to use a vehicle as a hackney carriage
  - Licence to use a vehicle as a private hire vehicle
  - Licence to drive hackney carriages
  - Licence to drive private hire vehicles
  - Licence to operate private hire vehicles
- 1.4 In relation to all of these categories of licences, the Council has a discretion over whether to grant a licence to an applicant or not.
- 1.5 The aim of local authority licensing of the hackney carriage and private hire trades is to protect the public by ensuring vehicles are safe and fit for use and that drivers and operators are suitable people to undertake these roles.
- 1.6 The Council is also responsible for monitoring the activities of the hackney carriage and private hire trades and taking appropriate action if the standards expected of those to whom it has issued a licence are not maintained.
- 1.7 This document sets out the policies that the Council has adopted in respect of carrying out its hackney carriage and private hire licensing functions and the standard conditions that the Council will attach to the licences that it issues. The primary and overriding objective of the Council in formulating this policy is to protect the public.
- 1.8 In formulating these policies and licence conditions, the Council has had due regard to the statutory guidance issued by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017. The recommendations in the statutory guidance have been implemented except where there is a compelling local reason not to.
- 1.9 The Council has also carried out consultation at a local level before adopting the policies and licence conditions detailed in this document. The Council will always consult on proposed changes in licensing rules that may have a significant impact on passengers and / or the trade.
- 1.10 The Council will conduct a review of this policy at least every five years. The policy may also carry out interim reviews in light of any future developments in legislation, guidance and in the way that the hackney carriage and private hire trades conduct their business.



## **2.0 Licences to Drive Hackney Carriage and / or Private Hire Vehicles**

### **2.1.0 Types of Licence Issued**

2.1.1 The Council will normally only issue the following two types of licence:

- A licence to drive hackney carriage and private hire vehicles (a “dual licence”)
- A licence to drive private hire vehicles only

2.1.2 Where a person held a licence issued by Redditch Borough Council to drive hackney carriage vehicles only at the time this policy took effect, they will be granted a licence that authorises them to drive both hackney carriage and private hire vehicles when they next renew their licence.

2.1.3 The Council will, at the request of an applicant, grant a licence to drive hackney carriage vehicles only, but the application requirements for a licence of this nature will be exactly the same as those for a dual licence.

**2.2.0 Application Requirements – New Applicants**

2.2.1 An applicant for a licence to drive hackney carriage and / or private hire vehicles must:

- Have the right to work in the United Kingdom (UK)
- Have held a UK driving licence for a period of at least 3 year(s).
- Be over the age of 21.
- Have been awarded the Worcestershire Taxi and Private Hire Competency Certificate
- Be deemed by the Council to be a “fit and proper person” to hold a licence

2.2.2 Before a licence to drive hackney carriage and/or private hire vehicles can be issued, the applicant must have submitted all of the following:

- Completed application form
- Worcestershire Taxi and Private Hire Competency Certificate
- An enhanced Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS) along with proof that they have subscribed to the DBS “Update Service”
- A valid DVLA licence check code
- Proof of their right to work in the United Kingdom
- A recent passport sized photograph of themselves
- Application fee
- A copy of the Council’s prescribed medical fitness certificate, which has been completed by one of the medical practitioners that the Council has approved for this purpose.

2.2.3 In addition, those wishing to be granted a licence to drive hackney carriage vehicles must have passed the Council’s topographical knowledge test.

2.2.4 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

2.2.5 In the interests of public safety, the Council will not licence any individual that appears on either of the children and adult barred lists maintained by the Disclosure and Barring Service (DBS).

2.2.6 The Council will not issue a licence to any person who does not meet the DVLA’s “Group 2 Medical Standards” as set out in the DVLA publication “Assessing fitness to drive – a guide for medical professionals.”

2.2.7 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

**2.3.0 Worcestershire Taxi and Private Hire Competency Certificate**

2.3.1 To obtain the Worcestershire Taxi and Private Hire Competency Certificate, a person must demonstrate they possess a suitable level of skills, knowledge and understanding in the following key areas:

- English language proficiency – both spoken and written
- Numeracy
- Legislation and policies affecting taxi and private hire licence holders
- Practical driving proficiency
- Safeguarding – including Child Sexual Exploitation, County Lines and Modern Slavery
- Equalities – including assisting passengers with disabilities
- Customer care

2.3.2 The Worcestershire Taxi and Private Hire Competency Certificate is delivered on the Council's behalf by an approved training provider that is suitably qualified and experienced.

- 2.4.0 Previous Licensing History and Use of the National Register of Revocations and Refusals (NR3)**
- 2.4.1 Applicants and licence holders will be required to disclose if they hold or have previously held a licence with another authority. An application will also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.
- 2.4.2 The National Register of Revocations and Refusals (NR3) allows Councils to record details of where a licence to drive hackney carriage and/or private hire vehicles has been refused or revoked and allows local authorities to check new applicants against the register.
- 2.4.3 Details of all applicants for licences to drive hackney carriage and/or private hire vehicles will be checked against NR3 to confirm that there is no record of them having been revoked or refused elsewhere.
- 2.4.4 Where this search reveals that the applicant has had a licence refused or revoked elsewhere, further information will be sought from the relevant Council and this information will be considered in determining whether or not the individual is a fit and proper person to be granted a licence.
- 2.4.5 The Council will also use NR3 to record details of licences that have been refused or revoked by the Council.

**2.5.0 The Fit and Proper Person Test – Drivers of Hackney Carriage and Private Hire Vehicles**

- 2.5.1 The Council cannot grant a licence to someone to permit them to drive hackney carriage and/or private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence.
- 2.5.2 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 2.5.3 *Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*
- 2.5.4 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 2.5.5 In determining whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will consider:
- Whether an applicant has met the Council’s application requirements
  - Any information revealed by DBS certificates relating to the applicant / licence holder
  - Any information revealed under Common Law Police Disclosure provisions
  - Any information revealed by checks undertaken on the applicant or licence holder’s DVLA driving licence records
  - Any information revealed on the medical fitness certificate
  - Any information revealed during checks on NR3
  - Any information regarding complaints received about an applicant or licence holder
- 2.5.6 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 2.5.7 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.

Delegated Decisions

- 2.5.8 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.
- 2.5.9 Authority is also delegated to officers to grant applications and issue licences to applicants who have no more than 6 current penalty points on their DVLA driving licence.
- 2.5.10 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council’s guidelines on the assessment of previous convictions shown at Annex A.

- 2.5.11 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to a Licensing Sub-Committee

- 2.5.12 An application cannot be determined by officers under delegated powers where:
- An applicant has more than 6 points on their DVLA driving licence
  - An applicant's DBS certificate reveals more than one previous conviction / caution
  - An applicant's DBS certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
  - Information has been provided about an applicant under Common Law Police Disclosure provisions
  - An applicant does not appear to meet the DVLA Group 2 Medical Standards
  - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
  - An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked
- 2.5.13 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 2.5.14 Notwithstanding the above, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

**2.6.0 DBS Update Service Checks**

- 2.6.1 All those to whom the Council has issued a licence to drive hackney carriage or private hire vehicles must subscribe and remain subscribed to the DBS Update Service. They must also give their consent to the Council carrying out update checks on the status of their DBS certificate throughout the period that they remain licensed.
- 2.6.2 The Council will then carry out regular checks in relation to those individuals to whom it has issued a licence to drive hackney carriage or private hire vehicles, to ensure no new information has come to light since the licence was issued.
- 2.6.3 Where a DBS Update Check reveals that new information is available, the licence holder will be required to co-operate with the requesting of a new DBS certificate.
- 2.6.4 A licence holder who fails to remain subscribed to the DBS Update Service or fails to co-operate with obtaining a new DBS certificate will be subject to a review to determine if they remain a fit and proper person to hold a licence, which could lead to the suspension or revocation of their licence.

**2.7.0 Common Law Police Disclosure and Working with the Police**

- 2.7.1 The DBS is not the only source of information that will be considered as part of a fit and proper assessment for the licensing of hackney carriage and private hire vehicle drivers.
- 2.7.2 Common Law Police Disclosure (CLPD) ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 2.7.3 The Council will maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.
- 2.7.4 Any information provided to the Council under CLPD will be reviewed and will be considered when determining whether an individual remains a fit and proper person to hold a licence.
- 2.7.5 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that the Council has a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the Council and the police, action taken by the Council as a result of information received will be fed-back to the police.
- 2.7.6 To further aid the quality of information available to all parties that have a safeguarding duty, where there is a revocation or refusal of a licence on public safety grounds, steps will be taken to advise the Police of this.



**2.8.0 Referrals to the Disclosure and Barring Service and the Police**

2.8.1 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for the Council to make referrals to the DBS. A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, will be referred to the DBS.

2.8.2 The Council will make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the 'harm test'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

2.8.3 If the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

**2.9.0 Application Requirements – Applicants Renewing a Licence**

- 2.9.1 An applicant seeking to renew a licence to drive hackney carriage and/or private hire vehicles must:
- Continue to benefit from the right to work in the United Kingdom (UK)
  - Be deemed by the Council to remain a “fit and proper person” to hold a licence
- 2.9.2 Before a licence to drive hackney carriage and/or private hire vehicles can be renewed, the applicant must have submitted all of the following:
- Completed application form
  - A valid DVLA licence check code
  - Application fee
  - A recent passport sized photograph of themselves
- 2.9.3 In addition, any person who has lived outside of the UK for a period of three or more continuous months since their last licence was issued, must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.
- 2.9.4 In addition any person renewing their licence for the first time after they reach the age of 45, 50, 55 or 60, must provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by one of the medical practitioners that the Council has approved for this purpose.
- 2.9.5 Once a licence holder reaches 65 years of age they will be required to provide a copy of the Council’s prescribed medical fitness certificate, which has been completed by one of the medical practitioners that the Council has approved for this purpose on an annual basis.
- 2.9.6 Those applying to renew a licence to drive hackney carriage and/or private hire vehicles must demonstrate that they have either obtained the Worcestershire Taxi and Private Hire Competency Certificate or undertaken approved refresher training in disability awareness in the preceding 3 years.
- 2.9.7 If an application to renew a licence to drive hackney carriage and/or private hire vehicles is received more than 14 days after the previous licence has expired, the applicant will be treated as if they were applying for a licence to drive hackney carriage and/or private hire vehicles for the first occasion.
- 2.9.8 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

- 2.10.0 Amending a licence to drive private hire vehicles so as to authorise the holder of the licence to also drive hackney carriage vehicles**
- 2.10.1 Where a person who holds a licence to drive private hire vehicles licensed by the Council also wishes to be authorised to drive hackney carriage vehicles, they may apply to amend their licence in the following way.
- 2.10.2 Before being able to amend their licence the holder must pass the Council's topographical knowledge test.
- 2.10.3 The licence holder must then submit:
- The relevant application form
  - The relevant application fee
- 2.10.4 When amending a licence to authorise the holder to drive hackney carriage vehicles, the expiry date of the licence will not be changed and the licence will still expire on the date that it would have expired had the application not been made.

**2.11.0 Review of Licences Issued to Driver of Hackney Carriage and/or Private Hire Vehicles**

- 2.11.1 As the Council cannot grant a licence to someone to permit them to drive hackney carriage and/or private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence, it therefore follows that they should not continue to licence a person if they are no longer satisfied that they remain a fit and proper person.
- 2.11.2 Therefore where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 2.11.3 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
  - Information revealed under Common Law Police Disclosure
  - Information revealed by checks undertaken on the licence holder's DVLA driving licence records
  - Information revealed on the medical fitness certificate
  - Information regarding immigration penalties paid by the licence holder
  - Information regarding the licence holder's right to work in the United Kingdom
  - Information revealed during checks on NR3
  - Information regarding complaints received about a licence holder
  - Information received from the licence holder themselves
- 2.11.4 When conducting a review of a driver's licence, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
  - To require the licence holder to undertake additional training / assessments
  - To suspend the driver's licence
  - To revoke the driver's licence

**Suspending or revoking a licence with immediate effect**

- 2.11.5 In normal circumstances, any decision to suspend or revoke a licence to drive hackney carriage and/or private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.
- 2.11.6 However, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, then notice of the reasons for this will be given to the driver and the suspension or revocation will take effect when that notice is given to the driver.
- 2.11.7 Where a Licensing Sub-Committee has decided to suspend or revoke a driver's licence, they will also consider whether the interests of public safety require that suspension or revocation to have immediate effect.

Suspending a licence with immediate effect on medical grounds under delegated powers

- 2.11.8 If information is received that suggests that a driver is no longer medically fit to act as a driver or a hackney carriage or private hire vehicle the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately suspend a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.9 Any licence suspended under this section will remain suspended until the licence holder has provided satisfactory evidence that they meet the DVLA's "Group 2 Medical Standards" as set out in the DVLA publication "Assessing fitness to drive – a guide for medical professionals."
- 2.11.10 Once satisfactory evidence of this has been received, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to lift the suspension without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.11 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Revoking a licence with immediate effect under delegated powers

- 2.11.12 From time to time information may be received about a licence holder that is of such a serious nature that action needs to be taken very quickly to ensure public safety.
- 2.11.13 These circumstances may arise where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:
- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
  - A drug related offence
  - An offence of a sexual nature
  - An offence involving violence
  - An offence involving dishonesty
- 2.11.14 A licence may also need to be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought.
- 2.11.15 In such circumstances the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately revoke a driver's licence without referring the matter to a Licensing Sub-Committee for consideration.
- 2.11.16 Where these delegated powers are used the Chair of the Council's Licensing Committee will be notified as soon as is reasonably practicable.

Reinstatement of licences revoked with immediate effect under delegated powers

- 2.11.17 This section applies where a driver's licence has been revoked with immediate effect under powers delegated to the Head of Worcestershire Regulatory Services.
- 2.11.18 In exceptional circumstances, where further information comes to light that clearly indicates that that the individual whose licence was revoked in fact remains a fit and proper person, the Head of Worcestershire Regulatory Services, in consultation with the Council's Legal Department, will have the delegated authority to immediately reissue a licence of the type that was revoked to the individual concerned without referring the matter to a Licensing Sub-Committee for consideration.

- 2.11.19 Such exceptional circumstances could for example arise where it comes to light that the initial serious information received did not in fact relate to the licence holder at all and there has been a case of “mistaken identity.”
- 2.11.20 The licence holder will not be required to submit an application or meet any of the requirements normally placed on other individuals applying for a licence for the first time.
- 2.11.21 Any licence reissued in accordance with this section will be issued with the same expiry date as was shown on the licence that was revoked.
- 2.11.22 Where these delegated powers are used the Chair of the Council’s Licensing Committee will be notified as soon as is reasonably practicable.

**2.12.0 Licence Conditions**

2.12.1 All licences issued authorising a person to drive hackney carriage and / or private hire vehicles will be granted subject to the standard conditions shown at Annex B

2.12.2 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

### 3.0 Licences to Use a Vehicles as a Hackney Carriage or Private Hire Vehicle

#### 3.1.0 Vehicle categorisation

3.1.1 In this part of the policy vehicles will be categorised as in accordance with the following table:

Category A	Vehicles that are fully powered by electric or hydrogen, emit no exhaust gases at any time and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category AX	Vehicles that are fully powered by electric or hydrogen, emit no exhaust gases at any time and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category B	Vehicles that are ultra-low emission vehicles or “ULEV” (a vehicle having less than 75 grams of CO <sub>2</sub> per kilometre (g/km) from the tail pipe) and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.  This category includes all hybrid vehicles including plug-in hybrid vehicles
Category BX	Vehicles that are ultra-low emission vehicles or “ULEV” (a vehicle having less than 75 grams of CO <sub>2</sub> per kilometre (g/km) from the tail pipe) and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.  This category includes all hybrid vehicles including plug-in hybrid vehicles
Category C	Vehicles fuelled by petrol or diesel engines that MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category CX	Vehicles fuelled by petrol or diesel engines that MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category D	Vehicles fuelled by petrol or diesel engines that DO NOT MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE NOT capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.
Category DX	Vehicles fuelled by petrol or diesel engines that DO NOT MEET Euro 6 (diesel) or Euro 4 (petrol) emissions standards and ARE capable of being used to transport a wheelchair user whilst they remain seated in their wheelchair.



### 3.2.0 **Obtaining a licence to use a vehicle as a Hackney Carriage for the first occasion - Application Requirements**

#### General vehicle requirements

3.2.1 An applicant for a licence to use a vehicle as a hackney carriage must ensure the vehicle is a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria:

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has no side facing seats;
- each provided seat has a minimum width of 431 mm (17 Inches) per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

#### Vehicle categories

3.2.2 Until **31<sup>st</sup> December 2029** any vehicle being licensed to be used as a hackney carriage for the first occasion must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category C or CX

3.2.3 From **1<sup>st</sup> January 2030** any vehicle being licensed to be used as a hackney carriage for the first occasion must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category CX

#### New hackney carriages (additional vehicles)

3.2.4 Where the vehicle that is identified in the application would be an additional hackney carriage entering the licensed fleet, the vehicle must meet one of the following requirements:

- Be a category CX that is under 6 years of age.
- Be a category A, AX or BX vehicle that is under 8 years of age.

3.2.5 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

New hackney carriages (replacement vehicles)

3.2.6 Where the application is being made by a person who already holds a licence from the Council to use a vehicle as a hackney carriage and that person is making the application in order to replace the vehicle that they are currently licensed to use, the vehicle that is identified in the application must meet one of the following requirements:

3.2.7 **Until 31<sup>st</sup> December 2029:**

- Be a category D or DX vehicle that is under 6 years of age
- Be a category C or CX vehicle that is under 7 years of age
- Be a category B, BX, A or AX vehicle that is under 8 years of age

3.2.8 **From 1<sup>st</sup> January 2030:**

- Be a category CX vehicle that is under 7 years of age
- Be a category B, BX, A or AX vehicle that is under 8 years of age

3.2.9 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Replacement of wheelchair accessible and zero-emission vehicles.

3.2.10 A person who already holds a licence from the Council to use a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair as a hackney carriage can only replace such a vehicle with another vehicle that also has this capability.

3.2.11 A person who already holds a licence from the Council to use a vehicle that is a category A vehicle as a hackney carriage can only replace such a vehicle with another vehicle that is also a category A or category AX vehicle.

3.2.12 A person who already holds a licence from the Council to use a vehicle that is a category AX vehicle as a hackney carriage can only replace such a vehicle with another vehicle that is also a category AX vehicle.

Vehicles written off for insurance purposes

3.2.13 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

3.2.14 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation required to be submitted

3.2.15 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.2.16 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

### 3.3.0 Obtaining a licence to use a vehicle as a private hire vehicle for the first occasion - Application Requirements

#### General requirements

3.3.1 An applicant for a licence to use a vehicle as a private hire must ensure the vehicle is a fully enclosed four wheel passenger vehicle with a M.1 or M.2 European Community Whole Vehicle Type Approval (ECWVTA) or a UK Low Volume Approval, or an Individual Vehicle Approval (IVA) and which meets the following criteria:

- manufactured from new as a right hand drive vehicle;
- constructed or adapted to seat in comfort at least 4 passengers and not more than 8 passengers;
- has sufficient doors of sufficient size to allow safe ingress and egress of passengers;
- where only one passenger door is fitted, that door is on the near-side (kerbside) of the vehicle;
- has no side facing seats;
- each provided seat has a minimum width of 431 mm (17 Inches) per passenger measured at the narrowest part of the seat and each passenger seat is fitted with a seat belt
- the boot or luggage compartment is of sufficient size to carry a reasonable amount of luggage relative to the seating capacity;
- the boot or luggage compartment is separated from the passenger compartment by a suitable barrier
- Vehicles that have been subject to conversion must have appropriate SVA / IVA type approval from VOSA.

#### Vehicle categories

3.3.2 Until **31<sup>st</sup> December 2029** the vehicle must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category C or CX

3.3.3 From **1<sup>st</sup> January 2030** the vehicle must be from one of the following categories:

- Category A or AX
- Category B or BX
- Category CX

#### Requirements in respect of the age of the vehicle

3.3.4 A category D or DX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 6 years of age.

3.3.5 A category C or CX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 7 years of age.

3.3.6 A category A, AX, B or BX vehicle being licensed to be used as a private hire vehicle for the first occasion must be under 8 years of age.

3.3.7 All the above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

Vehicles written off for insurance purposes

- 3.3.8 The Council will not licence any vehicle to be used as a private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

Vehicles licensed by other local authorities

- 3.3.9 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

Documentation required to be submitted

- 3.3.10 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:
- Completed application form
  - A current MOT certificate
  - Valid insurance showing the vehicle is insured for use for hire and reward for private hire hire or in accordance with a private hire licence.
  - The V5C certificate for the vehicle or other equivalent proof of ownership
  - A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.3.11 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

### 3.4.0 **Renewing a licence to use a vehicle as a Hackney Carriage – Application Requirements**

3.4.1 An applicant seeking to renew a licence to use a vehicle as a hackney carriage must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.2.1 of this policy.

#### Requirements as to the age of the vehicle upon renewal of licence

3.4.2 A licence to use a vehicle as a hackney carriage will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

- A category D vehicle must be under 10 years of age.
- A category DX vehicle must be under 12 years of age.
- A category C vehicle must be under 11 years of age.
- A category CX or DX vehicle must be under 13 years of age
- A category B vehicle must be under must be under 13 years of age
- A category BX vehicle must be under must be under 15 years of age
- A category A vehicle must be under 15 years of age
- A category AX vehicle must be under 17 years of age

3.4.3 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

#### Vehicles written off for insurance purposes

3.4.4 The Council will not renew any licence to use a vehicle as a hackney carriage if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

#### Vehicles licensed by other local authorities

3.4.5 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

#### Documentation to be submitted:

3.4.6 Before a licence to use a vehicle as a hackney carriage can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle.
- A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.4.7 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.

- 3.4.8 If an application to renew a licence to use a vehicle as a hackney carriage is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a hackney carriage for the first occasion and will have to meet the stated criteria for such vehicles.

### 3.5.0 **Renewing a licence to use a vehicle as a Private Hire Vehicle Application Requirements**

3.5.1 An applicant seeking to renew a licence to use a vehicle as a private hire vehicle must ensure the vehicle continues to meet the Council's requirements set out at paragraph 3.3.1 of this policy.

#### Requirements as to the age of the vehicle upon renewal of licence

3.5.2 A licence to use a vehicle as a private hire vehicle will not be renewed if the vehicle concerned does not meet the following requirements at the time that the existing licence is due to expire:

- A category D vehicle must be under 10 years of age.
- A category DX vehicle must be under 12 years of age.
- A category C vehicle must be under 11 years of age.
- A category CX or DX vehicle must be under 13 years of age
- A category B vehicle must be under must be under 13 years of age
- A category BX vehicle must be under must be under 15 years of age
- A category A vehicle must be under 15 years of age
- A category AX vehicle must be under 17 years of age

3.5.3 The above dates will be calculated based on the date of first registration shown on the vehicle registration certificate (VC5).

#### Vehicles written off for insurance purposes

3.5.4 The Council will not renew any licence to use a vehicle as a private hire vehicle if the vehicle has been graded as a Category A, Category B or Category C or Category S write-off for insurance purposes.

#### Vehicles licensed by other local authorities

3.5.5 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

#### Documentation to be submitted:

3.5.6 Before a licence to use a vehicle as a private hire vehicle can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- The V5C certificate for the vehicle.
- A certificate from the Council's appointed testing station for hackney carriage and private hire vehicles confirming the vehicle remains fit for use.
- The appropriate application fee
- A basic criminal record disclosure certificate in respect of all relevant individuals.

3.5.7 "Relevant individuals" means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.



- 3.5.8 If an application to renew a licence to use a vehicle as a private hire vehicle is received more than 14 days after the previous licence has expired, the application will be treated as if it were an application to licence the vehicle to be used as a private hire vehicle for the first occasion and will have to meet the stated criteria for such vehicles.

### **3.6.0 Obtaining a licence to use a vehicle as a Hackney Carriage on a temporary basis Application Requirements**

3.6.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a hackney carriage but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

#### Vehicle criteria

3.6.2 An applicant for a licence to use a vehicle as a hackney carriage on a temporary basis must ensure the vehicle meets the criteria set out in paragraphs 3.2.1 to 3.2.3 of this policy.

3.6.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

#### Accident reporting

3.6.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

#### Vehicles written off for insurance purposes

3.6.5 The Council will not licence any vehicle to be used as a hackney carriage if it has been graded as a Category A, Category B or Category C or Category S write-off.

#### Vehicles licensed by other local authorities

3.6.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

#### Documentation to be submitted:

3.6.7 Before a licence to use a vehicle as a hackney carriage can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

#### Duration of licence

3.6.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

### **3.7.0 Obtaining a licence to use a vehicle as a Private Hire Vehicle on a temporary basis Application Requirements**

3.7.1 This section applies where an application is being made to licence a vehicle for a short period of time as a temporary replacement for a vehicle that is licensed to be used as a private hire vehicle but that needs to be replaced for a short period of time as it has become temporarily unfit for use – for example due to accident damage.

#### Vehicle criteria

3.7.2 An applicant for a licence to use a vehicle as a private hire vehicle on a temporary basis must ensure the vehicle meets the following criteria set out in paragraphs 3.3.1 to 3.3.3 above.

3.7.3 Where the vehicle that is being temporarily replaced is a vehicle that is capable of carrying a wheelchair user whilst they remain seated in their wheelchair, the temporary replacement vehicle must also be capable of doing so.

#### Accident reporting

3.7.4 If the vehicle being temporarily replaced has been involved in an accident, the proprietor of that vehicle must have reported that accident to the Council in writing before an application for a temporary replacement vehicle can be accepted.

#### Vehicles written off for insurance purposes

3.7.5 The Council will not licence any vehicle to be used as a private hire vehicle if it has been graded as a Category A, Category B or Category C or Category S write-off.

#### Vehicles licensed by other local authorities

3.7.6 The Council will not issue a licence in respect of any vehicle that is already licensed another local authority to be used as either a hackney carriage or private hire vehicle.

#### Documentation to be submitted:

3.7.7 Before a licence to use a vehicle as a private hire vehicle can be issued, the applicant must have submitted all of the following:

- Completed application form
- A current MOT certificate
- Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- The V5C certificate for the vehicle or other equivalent proof of ownership
- A certificate confirming the vehicle has been found fit for use at the Council's appointed testing station for hackney carriage and private hire vehicles.
- The appropriate application fee

#### Duration of licence

3.7.8 A licence issued in accordance with this section will be issued for a period of no more than four months and will then expire.

**3.8.0 Transferring a licence to use a vehicle as a Hackney Carriage (Change of Proprietor) Application Requirements**

Documentation to be submitted:

- 3.8.1 An applicant for the transfer of a licence to use a vehicle as a hackney carriage must submit:
- Completed application form
  - Valid insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
  - Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
  - The V5C certificate for the vehicle or other equivalent proof of ownership
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.8.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.8.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

**3.9.0 Transferring a licence to use a vehicle as a Private Hire Vehicle (Change of Proprietor) Application Requirements**Documentation to be submitted:

- 3.9.1 An applicant for the transfer of a licence to use a vehicle as a private hire vehicle must submit:
- Completed application form
  - Valid insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
  - Written confirmation from the existing licence holder that they have sold the vehicle concerned to the applicant for the transfer.
  - The V5C certificate for the vehicle or other equivalent proof of ownership
  - The appropriate application fee
  - A basic criminal record disclosure certificate in respect of all relevant individuals.
- 3.9.2 “Relevant individuals” means any person named as a proprietor of the vehicle on the application and in the case of an application made by a limited company, each director of that company. The requirement to provide a basis criminal record disclosure certificate will be waived in respect of any person licensed by the Council to drive hackney carriage and/or private hire vehicles.
- 3.9.3 Where a licence is transferred to a new proprietor, the licence will expire on the same date as it would have if the licence had not been transferred.

**3.10.0 Changing the vehicle that you are licensed to use as a hackney carriage**

- 3.10.1 If a person who holds a licence to use a vehicle as a hackney carriage wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a hackney carriage for the first occasion.

**3.11.0 Changing the vehicle that you are licensed to use as a private hire vehicle**

- 3.11.1 If a person who holds a licence to use a vehicle as a private hire vehicle wishes to change the vehicle that they are licensed to use for this purpose, they must submit an application in accordance with the requirements for submitting an application to licence a vehicle as a private hire vehicle for the first occasion.

**3.12.0 Consideration of applications to licence vehicles that do not meet the required criteria**

- 3.12.1 This section applies where an application is received for the grant or renewal of a licence to use a vehicle as a hackney carriage or a private hire vehicle and the vehicle concerned does not meet the required criteria detailed in this policy.
- 3.12.2 The application cannot be determined by officers under delegated powers, but the applicant can request that the application is determined at a hearing of the Council's Licensing Sub-Committee.
- 3.12.3 In determining the application, the starting point will be that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from this policy.
- 3.12.4 In considering whether the vehicle is of an exceptional standard, regard will be had to:
- The age of the vehicle
  - The mileage of the vehicle
  - The make, model and specifications of the vehicle
  - The category the vehicle falls into on the table shown at 3.1.1 of this policy
  - The MOT and service history of the vehicle
  - The interior and exterior condition of the vehicle
  - Whether the vehicle has any exceptional features or performs or is designed for any specific function or use that the majority of other vehicles cannot perform.
- 3.12.5 The financial and other personal circumstances of the applicant for the grant or renewal of a licence will not be taken into account when reaching a decision.
- 3.12.6 The primary and overriding consideration will be whether the vehicle is safe and fit for use.



**3.13.0 The Fit and Proper Person Test – Hackney Carriage and Private Hire Vehicle Proprietors**

- 3.13.1 As well as the suitability of the vehicle, in determining whether to grant a licence to use a vehicle as a hackney carriage / private hire vehicle, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 3.13.2 A person who has already been deemed fit and proper by the Council to hold a licence to drive hackney carriage and/or private hire vehicles will automatically be considered a fit and proper person to hold a licence to use a vehicle as a hackney carriage / private hire vehicle.
- 3.13.3 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 3.13.4 *“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”*
- 3.13.5 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 3.13.6 When considering this those making the decision on behalf of the Council will consider:
- whether an applicant has met the Council’s application requirements
  - Any information revealed by basic disclosure relating to the applicant
  - Any information revealed under Common Law Police Disclosure provisions
  - Any information revealed during checks on NR3
  - Any information regarding complaints received about an applicant or licence holder
- 3.13.7 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 3.13.8 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.
- 3.13.9 In the case of an application from a company, the Council will apply the “fit and proper person” test to all directors of that company.
- 3.13.10 In the case of an application from a number of joint proprietors, the Council will apply the “fit and proper person” test to each proprietor identified in the application for the licence.

Delegated Decisions

- 3.13.11 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.

- 3.13.12 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- 3.13.13 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to Licensing Sub-Committee

- 3.13.14 An application cannot be dealt with by officers under delegated powers where:
- An applicant's basic disclosure certificate reveals more than one previous conviction or caution
  - An applicant's basic disclosure certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
  - Information has been provided about an applicant under Common Law Police Disclosure provisions
  - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
  - An applicant has previously had a licence to drive hackney carriage or private hire vehicles revoked
- 3.13.15 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 3.13.16 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

**3.14.0 Licence Conditions**

- 3.14.1 All licences issued authorising a person to use a vehicle as a hackney carriage will be granted subject to the standard conditions shown at Annex C.
- 3.14.2 All licences issued authorising a person to use a vehicle as a private hire vehicle will be granted subject to the standard conditions shown at Annex D.
- 3.14.3 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

**3.15.0 Vehicle livery requirements**

3.15.1 All proprietors of vehicles licensed by the Council to be used as a hackney carriage or private hire vehicle must display any approved vehicle livery signage provided by the Council on the front driver and passenger doors of the vehicle at all times when it is being used as a hackney carriage or private hire vehicle.

3.15.2 Any approved vehicle livery signage issued will:

- Display the Council's logo
- Indicate whether the vehicle is licensed to be used as a hackney carriage or private hire vehicle
- Contain the vehicle licence plate number issued in respect of the vehicle

**3.16.0 CCTV cameras in hackney carriage and private hire vehicles**

- 3.16.1 The Council recognises that CCTV systems can act as an additional safeguard, providing protection, confidence and reassurance to the public when they are travelling in a hackney carriage or private hire vehicle as well as to drivers, who can also be victims of violence and abuse.
- 3.16.2 The Council therefore will allow the proprietor of any vehicle that it has authorised to be used as a hackney carriage or private hire vehicle to install CCTV cameras in their vehicle subject to the following requirements:
- No installation of a CCTV system shall take place within a licensed vehicle unless the proprietor of the vehicle has notified the Council in advance.
  - All CCTV systems which are installed into licensed vehicles must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

**3.17.0 Inspection of hackney carriage and private hire vehicles**

- 3.17.1 In order to ensure the safety of the public, the Council will do all it can to ensure that the vehicles it licences to be used as hackney carriages or private hire vehicles are safe and fit for use.

Programmed Inspections of Licensed Vehicles

- 3.17.2 A licence to use a vehicle as a hackney carriage or private hire vehicle will not be granted or renewed unless the vehicle has been inspected and found to be safe and fit for use in accordance with the Council's criteria for licensing vehicles for such use.
- 3.17.3 Additionally all vehicles must be presented for further inspection within a four week period beginning on the date six months after the licence issue date.
- 3.17.4 Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in this part of the policy, the vehicle must be presented for further inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.

Other inspections of Licensed Vehicles

- 3.17.5 As well as these programmed inspections of licensed vehicles, the Council has the power at all reasonable times to inspect and test any hackney carriage or private hire vehicle it has licensed to ascertain its fitness for use.
- 3.17.6 Therefore from time to time, the proprietor or driver of a licensed vehicle may be directed to present their vehicle for inspection. Failure to present the vehicle for inspection as directed may lead to formal action being taken against the relevant proprietor or driver.

**3.18.0 Powers to suspend and revoke vehicle licences**Suspension of a licence on grounds of vehicle condition

- 3.18.1 The Local Government (Miscellaneous Provisions) Act 1976 provides authorised officers of the Council with two mechanisms for suspending the licence of a vehicle that is found to be unfit for use.
- 3.18.2 Section 68 of the Act provides a power to suspend the licence with immediate effect until such time as an authorised officer is satisfied the vehicle is fit for use again.
- 3.18.3 Section 60 of the Act provides a further power to suspend a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.
- 3.18.4 However, a decision to suspend a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.
- 3.18.5 Therefore, in order to ensure the safety of the travelling public, any suspension of a licence that needs to be undertaken due to the relevant vehicle being unfit for use, will normally be undertaken using the powers afforded by section 68.

Revocation of a licence on grounds of vehicle condition

- 3.18.6 If a licence is suspended in accordance with section 68 of the Act and the vehicle is not deemed to be fit for use again within a period of two months, the Act states that the licence is deemed to have been revoked.
- 3.18.7 Section 60 of the Act provides a further power to revoke a licence for a vehicle, on any of the following grounds:—
- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.
- 3.18.8 The Council revoke any licence issued authorising a vehicle to be used as a hackney carriage or private hire vehicle if that vehicle is graded as a Category A, Category B or Category C or Category S write-off.

Applying for a licence to use a vehicle as a hackney carriage or private hire vehicle after a licence has been deemed to be revoked in accordance with section 68

- 3.18.9 This section applies where a licence to use a vehicle has been deemed to have been revoked by virtue of section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- 3.18.10 The proprietor may apply for a licence to use the same vehicle for the same purpose as it was previously licensed. The proprietor must provide all the relevant documents required when applying to licence a vehicle as a hackney carriage or private hire vehicle for the first occasion and the vehicle must meet the relevant criteria with the exception of having to be vehicle of a particular categorisation or age.
- 3.18.11 An application made in reliance on this section of the policy must be made within a period of 2 months from the date that the licence was deemed to have been revoked.

Suspension and revocation of a licence on grounds of licence holder suitability

- 3.18.12 Where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.
- 3.18.13 Such information could include:
- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
  - Information revealed under Common Law Police Disclosure
  - Information revealed by checks undertaken on the licence holder's DVLA driving licence records
  - Information regarding immigration penalties paid by the licence holder
  - Information revealed during checks on NR3
  - Information regarding complaints received about a licence holder
  - Information received from the licence holder themselves
- 3.18.14 When conducting a review of a licence to use a vehicle as a hackney carriage or private hire vehicle, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:
- Issue a warning to the licence holder
  - To require the licence holder to undertake additional training / assessments
  - To suspend the licence
  - To revoke the licence
- 3.18.15 Any decision to suspend or revoke a licence under section 60 does not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined by the relevant court.



**3.19.0 Position on Maintenance of a List of Designated Wheelchair Accessible Vehicles**

- 3.19.1 Sections 165 – 167 of the Equality Act 2010 came into force in April 2017. The legislation places obligations on the drivers of designated wheelchair accessible vehicles to:
- transport wheelchair users in their wheelchair
  - provide passengers in wheelchairs with appropriate assistance
  - charge wheelchair users the same as non-wheelchair users
- 3.19.2 Drivers found to be discriminating against wheelchair can be fined up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons are able to apply to the Council for an exemption from the requirements.
- 3.19.3 The new powers only apply in those areas where the licensing authority has decided to maintain a list of designated vehicles under section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority.
- 3.19.4 Redditch Borough Council has adopted a position statement on sections 165 – 167 of the Equality Act 2010, which can be seen at Annex E.

**3.20.0 Exempting Proprietor's from Displaying External Licence Plate on a Private Hire Vehicle**

- 3.20.1 The Council has adopted a policy on the very limited circumstances where it will provide an exemption to the proprietor of a private hire vehicle from the requirement to display an external licence plate on the vehicle. This policy can be seen at Annex F.

#### 4.0 Licences to Operate Private Hire Vehicles

##### 4.1.0 Application Requirements – New Applicants

4.1.1 An applicant for a licence to operate private hire vehicles must:

- Have the right to work in the United Kingdom (UK)
- Be over the age of 18.
- Be deemed by the Council to be a “fit and proper person” to hold a licence

4.1.2 Before a licence to operate private hire vehicles can be issued, the applicant must have submitted all of the following:

- Completed application form
- An basic Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS).
- Proof of their right to work in the United Kingdom
- Application fee

4.1.3 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

4.1.4 Where the applicant for the licence is a company, the requirement to provide a Basic Criminal Record Check Certificate, “Certificates of Good Conduct” (where applicable) and proof of right to work in the United Kingdom, will apply to all directors of that company.

4.1.5 The requirement to provide a basic Criminal Record Check Certificate and “Certificates of Good Character” will be waived in respect of any person licensed by Redditch Borough Council to drive hackney carriage and / or private hire vehicles.

4.1.6 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

**4.2.0 Application Requirements – Renewal Applications**

4.2.1 An applicant to renew a licence to operate private hire vehicles must:

- Continue to have the right to work in the United Kingdom (UK)
- Continue to be considered by the Council as being a “fit and proper person” to hold a licence

4.2.2 Before a licence to operate private hire vehicles can be renewed, the applicant must have submitted all of the following:

- Completed application form
- A basic Criminal Record Check Certificate issued by the Disclosure and Barring Service (DBS).
- Proof of their right to work in the United Kingdom
- Application fee

4.2.3 Any person who has lived outside of the UK for a period of three or more continuous months after they reached the age of 18 must provide criminal records information or a “Certificate of Good Character” from each country outside the UK in which they have lived.

4.2.4 Where the applicant for the licence is a company, the requirement to provide a Basic Criminal Record Check Certificate, “Certificates of Good Conduct” (where applicable) and proof of right to work in the United Kingdom, will apply to all directors of that company.

4.2.5 The requirement to provide a basic Criminal Record Check Certificate and “Certificates of Good Character” will be waived in respect of any person licensed by Redditch Borough Council to drive hackney carriage and / or private hire vehicles.

4.2.6 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder’s leave to remain in the UK is time-limited).

**4.3.0 The Fit and Proper Person Test – Private Hire Operators**

- 4.3.1 In determining whether to grant a licence to operate private hire vehicles, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 4.3.2 A person who has already been deemed fit and proper by the Council to hold a licence to drive hackney carriage and/or private hire vehicles will automatically be considered a fit and proper person to hold a licence to operate private hire vehicles.
- 4.3.3 In considering whether an applicant or licence holder is fit and proper, those making the decision on behalf of the Council will ask themselves the following question:
- 4.3.4 *“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes? Would I also be confident that this person would operate a professional and reliable service, at a time it is needed, and take reasonable steps to safeguard both passengers and the ability of the local licensing authority to protect the public if required?”*
- 4.3.5 If, on the balance of probabilities, the answer to the question is ‘no’, the individual should not hold a licence. An applicant or licence holder will not be given “the benefit of the doubt”. If those making the decision are only “50/50” as to whether the applicant or licence holder is fit and proper, they will not be licensed.
- 4.3.6 When considering this those making the decision on behalf of the Council will consider:
- whether an applicant has met the Council’s application requirements
  - Any information revealed by basic disclosure relating to the applicant
  - Any information revealed under Common Law Police Disclosure provisions
  - Any information revealed during checks on NR3
  - Any information regarding complaints received about an applicant or licence holder
- 4.3.7 In considering the information above, those making a decision on behalf of the Council will have regard to Council’s guidelines on the assessment of previous convictions which are shown at Annex A.
- 4.3.8 The financial and other personal circumstances of the applicant or licence holder will not be taken into account when reaching a decision.
- 4.3.9 In the case of an application from a company, the Council will apply the “fit and proper person” test to all directors of that company.

Delegated Decisions

- 4.3.10 Where the applicant has met the Council’s application requirements and no information has been revealed by any of the checks set out above that brings into question whether the applicant is a fit and proper person, officers have delegated authority to grant applications and issue licences to applicants.

- 4.3.11 Authority is also delegated to officers to grant licences and issue licences to applicants whose DBS certificate reveals a single isolated conviction or caution that is more than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions shown at Annex A.
- 4.3.12 For example, authority is delegated to officers to grant a licence where the applicant has an isolated conviction or caution for an offence of violence against the person, or connected with any offence of violence, once 15 years have elapsed since the completion of any sentence imposed.

Referral to Licensing Sub-Committee

- 4.3.13 An application cannot be dealt with by officers under delegated powers where:
- An applicant's basic disclosure certificate reveals more than one previous conviction or caution
  - An applicant's basic disclosure certificate reveals an isolated conviction or caution that is less than five years older than any relevant rehabilitation period set out in the Council's guidelines on the assessment of previous convictions.
  - Information has been provided about an applicant under Common Law Police Disclosure provisions
  - An applicant has previously had an application for a licence to drive hackney carriage or private hire vehicles refused
  - An applicant has previously had a licence to drive hackney carriage or private hire vehicles suspended or revoked
- 4.3.14 Where an application cannot be determined by officers under delegated powers, the applicant may request that their application is determined by a Licensing Sub-Committee.
- 4.3.15 Notwithstanding the previous paragraph, each case will be considered on its merits and where there is any doubt about whether an applicant is a fit and proper person, then the application will be referred to a Licensing Sub-Committee for determination.

**4.4.0 Licence Conditions**

- 4.4.1 All licences issued authorising a person to operate private hire vehicles will be granted subject to the standard conditions shown at Annex G.
- 4.4.2 In addition to these standard conditions, individually tailored conditions may be attached to specific licences on a case by case basis where the circumstances justify this approach.

**4.5.0 Review of Licences Issued to Operators of Private Hire Vehicles**

4.5.1 As the Council cannot grant a licence to someone to permit them to operate private hire vehicles unless they are satisfied that that person is a fit and proper person to hold such a licence, it therefore follows that they should not continue to licence a person if they are no longer satisfied that they remain a fit and proper person.

4.5.2 Therefore where information comes to light that brings into question whether the holder of a licence remains a fit and proper person, their licence may be referred to a Licensing Sub-Committee for review.

4.5.3 Such information could include:

- Information revealed by DBS certificates or DBS update checks carried out in relation to the licence holder
- Information revealed under Common Law Police Disclosure
- Information regarding immigration penalties paid by the licence holder
- Information regarding the licence holder's right to work in the United Kingdom
- Information revealed during checks on NR3
- Information regarding complaints received about a licence holder
- Information received from the licence holder themselves

4.5.4 When conducting a review of an operator's licence, the Licensing Sub-Committee will treat each case on its merits and have regard to all of the evidence and information that they are provided and will then reach a decision as to whether they believe the licence holder remains a fit and proper person to hold a licence and which of the following steps (if any) needs to be taken:

- Issue a warning to the licence holder
- To require the licence holder to undertake additional training / assessments
- To suspend the driver's licence
- To revoke the driver's licence

4.5.5 Any decision to suspend or revoke a licence to operate private hire vehicles will not take effect until after the period given for appealing against the decision has elapsed or, if an appeal is lodged, until the appeal has been determined.



- 5.0** **General**
- 5.1.0** **Complaints against licence holders**
- 5.1.1 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence.
- 5.1.2 Therefore the Council will maintain a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.
- 5.1.3 Guidance for passengers and other members of the public on making complaints about licence holders will be provided on the Council's website. Ways of making complaints will also be provided on the internal licence plate that must be displayed in all licensed vehicles.
- 5.1.4 Licensees with a number of complaints made against them will be contacted by licensing officers and concerns will be raised with the driver and operator (if appropriate). Further action in terms of the licence holder will be determined by licensing officers, which could include no further action, warnings, the offer of training, a formal review of the licence and/or formal enforcement action.
- 5.1.5 The Council has adopted a penalty points system to assist in the recording and monitoring of non-compliance with hackney carriage and private hire licensing requirements. A copy of the penalty points system can be seen at Annex H.

**5.2.0 Duties on licence holders in relation to assistance dogs**

- 5.2.1 Part 12 of the Equality Act 2010 imposes duties on the drivers of hackney carriage vehicles that have been hired:
- by or for a disabled person who is accompanied by an assistance dog, or
  - by another person who wishes to be accompanied by a disabled person with an assistance dog.
- 5.2.2 The driver of the hackney carriage must:
- carry the disabled person's dog and allow it to remain with that person;
  - not make any additional charge for doing so.
- 5.2.3 In respect of private hire vehicles, part 12 of the Equality Act 2010 provides that the operator of a private hire vehicle commits an offence by failing or refusing to accept a booking for the vehicle:
- if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.
- 5.2.4 The operator also commits an offence if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.
- 5.2.5 The driver of a private hire vehicle commits an offence by failing or refusing to carry out a booking accepted by the operator:
- if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog.
- 5.2.6 Redditch Borough Council places particular importance on the need for those that they licence to comply with these duties. Where complaints are received regarding non-compliance with the requirements, they will be investigated thoroughly and formal action will be taken wherever possible.
- 5.2.7 If a licence holder commits an offence under Part 12 of the Equality Act 2010 in relation to the carriage of assistance dogs, serious consideration will be given to whether the licence holder remains a fit and proper person to hold a licence.
- 5.2.8 Part 12 of the Equality Act 2010 does provide the Council with authority to grant certificates to drivers exempting them from their duties in relation to the carrying of assistance dogs on medical grounds. The Council's policy on how they will deal with requests for exemption certificates is set out at Annex I.

### 5.3.0 Duration of Licences Issued

#### Licences to drive hackney carriage and / or private hire vehicles

- 5.3.1 Licences to drive hackney carriage and / or private hire vehicles will normally be issued for a period of 3 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited). Licences will not be issued on a "probationary" basis.

#### Licences to use a vehicle as a hackney carriage or private hire vehicle

- 5.3.2 Licences to use a vehicle as a hackney carriage or private hire vehicle will normally be issued for a period of 1 year and will then expire.
- 5.3.3 A licence issued in respect of a vehicle being used as a temporary replacement for a vehicle that is licensed to be used as a hackney carriage but that needs to be replaced for a short period of time as it has become temporarily unfit for use, for example due to accident damage, will be issued for a period of no more than four months and will then expire.

#### Operator Licences

- 5.3.4 Licences to operate private hire vehicles will normally be issued for a period of 5 years and will then expire. Licences of a shorter duration may be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, or where required (e.g. when the licence holder's leave to remain in the UK is time-limited). Licences will not be issued on a "probationary" basis.

#### Licence holders whose leave to remain in the UK is time-limited

- 5.3.5 This section applies where the Council has to issue a licence of a shorter duration to those above as the licence holder's leave to remain in the UK is time-limited. When the licence holder provides evidence that their leave to remain has been extended or made permanent, the Council will extend their licence period so that the licence expires on whichever of the following dates is the earliest:
- The date the licence would have expired if the licence holder's leave to remain was not time-limited at the time of their application
  - The expiry of the licence holder's extended leave to remain in the UK
- 5.3.6 Licence holder's whose licences are extended in accordance with this section will not be charged any fee in order to have their licence extended.

**5.4.0 Surrender of Licences**

- 5.4.1 The holder of a licence to drive hackney carriage and/or private hire vehicles, use a vehicle as a hackney carriage or private hire vehicle or operate private hire vehicles may at any time surrender the licence to the Council by giving notice in writing and returning their licence and any associated licence plates or ID badges they have been issued.

**5.5.0 Refund of Fees Paid When a Licence is Surrendered**

5.5.1 Where a licence holder surrenders a licence that they have been issued, refunds may be given on request, of the fee paid when applying for that licence in accordance with the following formulas.

Licences of 1 year duration

5.5.2 1/12 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 9/12 (75%) of the licence fee paid.

Licences of 3 year duration

5.5.3 1/36 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 27/36 (75%) of the licence fee paid.

Licences of 5 year duration

5.5.4 1/60 of the fee paid may be refunded for every FULL month remaining of the licence period at the time when the licence is surrendered. The maximum amount that will be refunded is 45/60 (75%) of the licence fee paid.

5.5.5 Any fees paid in respect of DBS Checks, vehicle inspections, training and assessment requirements etc. are **non-refundable**.

**Annexes**

- Annex A** Guidelines on the Assessment of Previous Convictions
- Annex B** Standard conditions attached to a licence to drive hackney carriage and / or private hire vehicles
- Annex C** Standard conditions attached to a licence to use a vehicle as a hackney carriage
- Annex D** Standard conditions attached to a licence to use a vehicle as a private hire vehicle
- Annex E** Equality Act 2010 – Position Statement on Sections 165 – 167
- Annex F** Plate exemption policy for licensed private hire vehicles
- Annex G** Standard conditions attached to a licence to operate private hire vehicles
- Annex H** Hackney carriage and private hire penalty points system
- Annex I** Granting of certificates exempting drivers from the duties in respect of carrying assistance dogs

**Annex  
A****Guidelines on the Assessment of Previous Convictions**General approach

- A.1 The Council will always consider each case on its own merits and will ensure applicants / licence holders have a fair and impartial consideration of their application.

Cautions

- A.2 Cautions are given to anyone aged 10 or over for minor criminal offences. You have to admit an offence and agree to be cautioned. Whilst a caution is not a criminal conviction, it can be used as evidence of bad character. Therefore for the purpose of these guidelines, references to convictions will also be taken to include cautions accepted for offences.

Rehabilitation periods

- A.3 Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

- A.4 Where an applicant or licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- A.5 Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

- A.6 Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- A.7 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual offences

- A.8 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.
- A.9 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

- A.10 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Drugs

- A.11 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- A.12 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
- A.13 In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- A.14 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

- A.15 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
- A.16 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

- A.17 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

- A.18 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.



**Annex B Standard conditions attached to a licence to drive hackney carriage and / or private hire vehicles**Conduct

- B.1 The licence holder must behave in a civil, orderly and respectful manner at all times whilst acting as the driver or a hackney carriage or private hire vehicle.
- B.2 The licence holder must not discriminate against any person whilst acting as the driver or a hackney carriage or private hire vehicle because of their:
- Age
  - Disability
  - Gender reassignment
  - Marriage & Civil Partnership
  - Pregnancy & Maternity
  - Race
  - Religion or Belief
  - Sex
  - Sexual Orientation
- B.3 The licence holder must not engage in inappropriate conversations with passengers. Inappropriate topics of conversation include (but are not limited to) references to a persons personal life, relationship status, appearance, religion or political beliefs.
- B.4 The licence holder must not eat any food whilst carrying a hirer in their vehicle.
- B.5 The licence holder must not smoke or use any e-cigarette or other vaping device inside any licensed hackney carriage or private hire vehicle at any time.
- B.6 The licence holder must not play any audio in a licensed hackney carriage or private hire vehicle at such a level as to cause annoyance to the hirer.
- B.7 The licence holder must only use the horn of a vehicle in accordance with the Highway Code and specifically shall not sound their horn to announce their arrival / presence to the hirer.

Appearance

- B.8 Whilst acting as the driver of a hackney carriage or private hire vehicle, a licence holder must be dressed suitably and be of clean and tidy appearance.

Assisting Passengers

- B.9 A licence holder must offer passengers with reasonable assistance with the loading and unloading of any luggage or baggage into and out of, any licensed vehicle they are in control of.
- B.10 A licence holder must offer reasonable assistance to any person with a disability or other mobility issue, when that person is entering or leaving a licensed vehicle they are in control of.

Changes of Circumstances

- B.11 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- B.12 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 72 hours if they have developed a medical condition that might impair their ability to drive a motor vehicle.
- B.13 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

DBS Update Service

- B.14 A licence holder must retain a valid subscription to the Disclosure and Barring Service (DBS) Update Service at all times whilst they remain licensed to drive hackney carriage and/or private hire vehicles.

Wearing and Display of Badges

- B.15 A licence holder must wear one of the ID badges issued to them by the Council at all times when acting as the driver of a hackney carriage or private hire vehicle. The badge must be worn on the licence holder's person in a way that it can be seen by passengers.
- B.16 A licence holder must display one of the ID badges issued to them by the Council inside any hackney carriage or private hire vehicle they are in control of in such a way as to be clearly visible to any passengers.

Lost property

- B.17 After passengers alight the licensed vehicle, a licence holder should check the vehicle to ensure no property has been left in the vehicle by that passenger.
- B.18 If any property belonging to a passenger is discovered in a licensed vehicle after that passenger has left the vehicle, the driver should take reasonable steps to return the lost property to the person that it belonged to.
- B.19 If the licence holder cannot identify who the lost property belongs to in order to return it to them, they must seek advice from the local police on what to do with the property by calling the non-emergency number 101.

Receipts

- B.20 Upon request, a licence holder must provide his passenger with a clear and legible receipt for the cost of their journey. This receipt must also identify the licence holder's name or licence number and the registration number of the vehicle that the journey was undertaken in.

Production of Documents

- B.21 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Their DVLA driving licence card
  - Proof of their right to work in the United Kingdom
  - Proof of their residential address
  - Any DBS certificate relied upon when their licence was granted

Return of licence and ID badge

- B.22 The licence holder must return the licence and any related ID badges issued by the Council when requested to do so. The licence and ID badges must be returned as soon as reasonably practicable and in any case not more than 7 days after such a request has been made by an authorised officer of the Council.

Production of medical certificate

- B.23 Any licence holder aged 65 or over must provide the Council with a copy of the Council's prescribed medical fitness certificate, completed by one of the medical practitioners that the Council has approved for this purpose on the anniversary of the issue of the licence each year.

Deposit of Copy of Licence

- B.24 A licence holder must deposit a copy of their licence with:
- The proprietor of any licensed hackney carriage or private hire vehicle that they have been authorised to drive
  - Any licensed private hire operator who accepts bookings in respect of a licensed vehicle that they are authorised to drive

Charging of fares

- B.25 Before commencing a journey, a licence holder must establish that their passenger understands what fare they will be charged for the journey or the method by which that fare will be calculated (e.g. in accordance with a taximeter installed in the vehicle).
- B.26 A licence holder must not charge a passenger for their journey more than:
- A fixed fare that has either been agreed before the commencement of the journey; or
  - The fare that has been calculated in accordance with the agreed method of calculation.
- B.27 When acting as the driver of a hackney carriage and undertaking a journey entirely within the Council's administrative boundaries, the licence holder must engage the taximeter installed in the vehicle and must not charge more than is permitted in accordance with the Council's approved table of fares.

Carriage of animals

- B.28 A licence holder must not carry any animal in a licensed hackney carriage or private hire vehicle without the express permission of the hirer.

**Annex C      Standard conditions attached to a licence to use a vehicle as a hackney carriage**Condition of Vehicle

- C.1      The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

- C.2      Once a vehicle has been inspected and a licence has been granted the vehicle must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from an authorised officer of the Council. This includes the addition of any tinting film or similar products to the windows of the vehicle.

Licensing a Vehicle with Another Council

- C.3      No hackney carriage licensed by the Council may be licensed in any other authority as a hackney carriage or private hire vehicle.

Insurance Cover

- C.4      The licence holder must at all times that the vehicle is licensed to be used as a hackney carriage, maintain a valid policy of insurance showing the vehicle is insured for use for hire and reward for public hire or in accordance with a hackney carriage licence.
- C.5      You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Allowing Other Persons to Drive the Vehicle

- C.6      Only a person licensed by the Council to drive hackney carriages can drive a vehicle that the Council has licensed to be used as a hackney carriage. If the licence holder proposes to allow someone else to drive their vehicle at any time, before doing so they must obtain from the driver the following documents:
- a)      A copy of their current licence issued by Redditch Borough Council authorising them to drive hackney carriage vehicles, and
  - b)      A copy of their insurance documentation covering them to use the vehicle as hackney carriage.
- C.7      The licence holder must ensure that the driver's licence to drive hackney carriage vehicles and insurance remain current for the duration of the period they are permitted to drive the vehicle.

Display of External Licence Plate

- C.8      The external licence plate issued by the Council must be securely fixed to the outside rear of the vehicle below the window line.

Display of Internal Licence Plate

- C.9 The internal licence plate issued by the Council must be securely fixed to the inside of the windscreen on the passenger side of the vehicle so that the front of the licence plate is visible from the outside of the vehicle and the rear of the licence plate is visible from inside the vehicle.

Roof Signs

- C.10 A sign containing the word "TAXI" must be displayed on the roof of the vehicle at all times when it is being driven on a public road or otherwise used as a hackney carriage.
- C.11 The lettering on the sign must be a minimum of 80mm high.
- C.12 The roof sign must be appropriately and safely wired so that the sign is illuminated when the vehicle is available for hire and not illuminated when the vehicle is hired or is not available for hire.

Return of Licence Plate(s)

- C.13 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- C.14 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- C.15 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

External signage on front doors of vehicle

- C.16 The licence holder must ensure that the approved signage issued by the Council is displayed on the outside of the front driver and passenger doors of the vehicle at all times when it is being used as a hackney carriage.

Advertising on Licensed Vehicles

- C.17 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.
- C.18 No advertising may be displayed on the front driver and passenger doors of the vehicle.

Production of Documents

- C.19 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
  - Vehicle registration certificate (V5C)
  - Vehicle MOT test certificate
  - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- C.20 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.
- C.21 Subject to the condition below, the licence holder must present the vehicle for inspection within a four week period beginning on the date six months after the licence issue date.
- C.22 Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in its hackney carriage and private hire licensing policy, the licence holder must present the vehicle for inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.

Table of Fares (Tariff Card)

- C.23 The licence holder must ensure that a copy of the current table of fares (tariff card) set by the Council is carried in the vehicle at all times in a position where it can be accessed and read by any passenger as required.

CCTV

- C.24 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- C.25 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- C.26 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
  - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
  - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- C.27 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- C.28 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

**Annex D Standard conditions attached to a licence to use a vehicle as a private hire vehicle**Condition of Vehicle

- D.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition. In particular all data boxes, radios, PDA's or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.

Making Alterations to a Vehicle

- D.2 Once a vehicle has been inspected and a licence has been granted the vehicle must be maintained in that form and condition. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from an authorised officer of the Council. This includes the addition of any tinting film or similar products to the windows of the vehicle.

Licensing a Vehicle with Another Council

- D.3 No private hire vehicle licensed by the Council may be licensed in any other authority as a hackney carriage or private hire vehicle.

Insurance Cover

- D.4 The licence holder must at all times that the vehicle is licensed to be used as a private hire vehicle, maintain a valid policy of insurance showing the vehicle is insured for use for hire and reward for private hire or in accordance with a private hire licence.
- D.5 You must retain the above documents for a period of 12 months following their expiry and these documents must be available for inspection at any time to an authorised officer.

Allowing Other Persons to Drive the Vehicle

- D.6 Only a person licensed by the Council to drive private hire vehicles can drive a vehicle that the Council has licensed to be used as a private hire vehicle. If the licence holder proposes to allow someone else to drive their vehicle at any time, before doing so they must obtain from the driver the following documents:
- a) A copy of their current licence issued by Redditch Borough Council authorising them to drive private hire vehicles, and
  - b) A copy of their insurance documentation covering them to use the vehicle as a private hire vehicle.
- D.7 The licence holder must ensure that the driver's licence to drive private hire vehicles and insurance remain current for the duration of the period they are permitted to drive the vehicle.

Display of External Licence Plate

- D.8 The external licence plate issued by the Council must be securely fixed to the outside rear of the vehicle below the window line.



Display of Internal Licence Plate

- D.9 The internal licence plate issued by the Council must be securely fixed to the inside of the windscreen on the passenger side of the vehicle so that the front of the licence plate is visible from the outside of the vehicle and the rear of the licence plate is visible from inside the vehicle.

Roof Signs

- D.10 No sign may be displayed either on the roof of or above the roof of the a vehicle licensed to be used as a private hire vehicle.

External signage on front doors of vehicle

- D.11 The licence holder must ensure that the approved signage issued by the Council is displayed on the outside of the front driver and passenger doors of the vehicle at all times when it is being used as a private hire vehicle.

Advertising on Licensed Vehicles

- D.12 Any advertising displayed on a licensed vehicle must be approved in advance by an authorised officer of the Council. This condition does not apply to any advertisements displayed on a vehicle which relate to any business that accepts and despatches bookings in respect of the vehicle concerned.
- D.13 No advertising may be displayed on the front driver and passenger doors of the vehicle

Prohibition on Display of Certain Words

- D.14 The words "Taxi" or "Cab" either in singular or plural or words of a similar meaning or appearance either alone or as part of a name must not be displayed anywhere on the vehicle licensed to be used as a private hire vehicle.

Return of Licence Plate(s)

- D.15 The licence holder must return the internal and / or external licence plates issued by the Council when requested to do so. The licence plates must be returned as soon as reasonably practicable and in any case not more than 7 days after a request to return the plates has been made by an authorised officer of the Council.

Changes of Circumstances

- D.16 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- D.17 A licence holder must notify the licensing authority within 7 days of any change to their name and / or address

Production of Documents

- D.18 The licence holder must produce such of the following as requested to an authorised officer of the Council within 72 hours of receiving a request to do so:
- Vehicle insurance certificate
  - Vehicle registration certificate (V5C)
  - Vehicle MOT test certificate
  - Proof that the appropriate vehicle excise duty has been paid in respect of the vehicle

Presentation of Vehicle for Inspection

- D.19 The vehicle must be presented for inspection in accordance with any reasonable direction properly made by an authorised officer of the Council.
- D.20 Subject to the condition below, the licence holder must present the vehicle for inspection within a four week period beginning on the date six months after the licence issue date.
- D.21 Where a decision has been taken by the Council to grant a licence to use a vehicle of an exceptional standard beyond the normal upper age limits set out in its hackney carriage and private hire licensing policy, the licence holder must present the vehicle for inspection within a four week period beginning on the date four months after the licence issue date and again within a four week period beginning on the date eight months after the licence issue date.

Taximeters

- D.22 Where a taximeter is fitted in a vehicle licensed to be used as a private hire vehicle the must be fitted securely in a position where it can be easily read by passengers in the vehicle and must not be obscured from view in any way. A table of fares must be available in the vehicle for inspection by passengers to explain clearly the basis on which any hiring charges will be calculated by the taximeter.

CCTV

- D.23 Where CCTV is installed so as to record any part of the inside of a licensed vehicle, the proprietor must be compliant with the requirements of the Data Protection Act 2018. The system must also be compliant with the Information Commissioner's requirements in respect of registering the system and the capturing, storing, retaining and using any recorded images.

Seating Capacity

- D.24 The vehicle must not be used to carry more passengers than the number authorised to be carried by the licence issued by the Council and shown on the vehicle licence plates issued by the Council.

Equipment to be Carried in the Vehicle

- D.25 The following must be carried in the vehicle at all times:
- A suitable and road legal spare wheel or a tyre inflation kit that is supplied as standard by the manufacturer of the vehicle
  - A powder fire extinguisher of not less than 600g capacity and not more than 12 years old from the date of manufacture
  - A first aid kit containing as a minimum, a selection of dressings, plasters and a pair of plastic gloves that are in date.

Wheelchair Accessible Vehicles

- D.26 Where the vehicle is designed to carry a wheelchair user whilst they remain seated in their wheelchair, the licence holder must ensure that all required equipment to safely load and secure a wheelchair is carried in the vehicle at all times.

Reporting of Accidents

- D.27 The licence holder must report any accident involving the licensed vehicle to the Council within 72 hours, regardless of whether any damage is caused to the vehicle in the accident.

Annex  
E**Equality Act 2010 – Position Statement on Sections 165 – 167****Introduction**

- E.1 The Government commenced sections 165 and 167 of the Equality Act 2010, in so far as they were not already in force, on 6<sup>th</sup> April 2017.
- E.2 Section 167 of the Act provides licensing authorities with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then place duties on the drivers of those vehicles to carry passengers in wheelchairs, provide assistance to those passengers and prohibits them from charging extra.
- E.3 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act.
- E.4 This allows Local Authorities to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- E.5 In adopting this position statement, Redditch Borough Council has had regard to the guidance issued by the Secretary of State under section 167(6) of the Equality Act 2010.

**Maintaining a List of Designated Vehicles**

- E.6 Section 167 of the Act permits, but does not require, licensing authority to maintain a designated list of wheelchair accessible hackney carriage and private hire vehicles.
- E.7 Whilst not being under a specific legal duty to maintain a list of designated vehicles, Redditch Borough Council has decided that it will do so.
- E.8 The list of designated vehicles will be published and maintained by Redditch Borough Council with effect from **1<sup>st</sup> December 2017**. This will provide a reasonable amount of time for drivers to make applications for exemption from the duties that will be placed upon them once a list of designated vehicles is published.
- E.9 Once published, the list of designated vehicles will be available to access via the Redditch Borough Council website. A hard copy of the list of designated vehicles will also be provided on request. To request a hard copy of the list of designated vehicles you will need to contact Worcestershire Regulatory Services by emailing [enquiries@worcsregservices.gov.uk](mailto:enquiries@worcsregservices.gov.uk) or telephoning 01905 822799.

**Accessibility Requirements for Vehicles Included on the List of Designated Vehicles**

- E.10 The Act states that a vehicle can be included on a licensing authority’s list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- E.11 Redditch Borough Council has decided that a vehicle will only be included in the authority’s list if it would be possible for the user of a “reference wheelchair” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. For this purpose, a “reference wheelchair” is as defined in Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000.

### **The Duties Placed on Drivers of Designated Vehicles**

- E.12 Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible hackney carriage and private hire vehicles.
- E.13 The duties are:
- to carry the passenger while in the wheelchair;
  - not to make any additional charge for doing so;
  - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - to give the passenger such mobility assistance as is reasonably required.
- E.14 The Act then goes on to define mobility assistance as assistance:
- To enable the passenger to get into or out of the vehicle;
  - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - To load the passenger's luggage into or out of the vehicle;
  - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- E.15 It is an offence for the driver (unless exempt) of a hackney carriage or private hire vehicle which is on the licensing authority's designated list to fail to comply with these duties.

### **Exemptions from the Duties Placed on Drivers of Designated Vehicles**

- E.16 Some drivers may have a medical condition or a disability or physical condition which makes it impossible or unreasonably difficult for them to provide the sort of physical assistance which these duties require. That is why the Act allows licensing authorities to grant exemptions from the duties to individual drivers.
- E.17 Section 166 allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the LA thinks appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties.
- E.18 If a licensed driver wishes to obtain an exemption from the duties placed on them under section 165, they must complete the relevant application form and submit this to the licensing authority alongside relevant supporting evidence. The supporting evidence must include a letter or report from the licensed driver's general practitioner.
- E.19 If required, a licensed driver seeking to obtain an exemption from the duties, must submit to an examination by an independent medical practitioner appointed by the licensing authority. The decision as to whether an exemption is granted and for how long, will be taken by the Head of Worcestershire Regulatory Services
- E.20 If the exemption application is successful then the licensing authority will issue an exemption certificate and provide an exemption notice for the driver to display in their vehicle.

- E.21 If the exemption application is unsuccessful , the applicant will be informed in writing within a reasonable timescale and provided with a clear explanation of the reasons for the decision.
- E.22 Section 172 of the Act enables drivers to appeal against the decision of the licensing authority not to issue an exemption certificate. That appeal should be made to the Magistrate's Court and must be made within 28 days beginning with the date of the refusal.

### **Enforcement**

- E.23 It is important to note that a driver will be subject to the duties set out in section 165 of the Equality Act 2010 if the vehicle they are driving appears on the designated list of the licensing authority that licensed them, and the licensing authority has not provided them with an exemption certificate, regardless of where the journey starts or ends.
- E.24 Redditch Borough Council will look to take firm action where drivers breach their duties under section 165 of the Act and will use all their available powers to ensure that drivers who discriminate against disabled passengers are held accountable for their actions.
- E.25 If a driver receives a conviction for breaching their duties under section 165 of the Act, the authority will review whether or not they remain a fit and proper person to hold a licence to drive hackney carriage or private hire vehicles.

**Annex  
F****Plate exemption policy for licensed private hire vehicles**

- F.1 The Council will only grant an exemption to the proprietor of a private hire vehicle from the requirement to display an external licence plate where the vehicle meets **all** of the following requirements:
- the vehicle must be an executive model, and
  - the vehicle interior and exterior must be maintained in exceptional condition, and
  - the vehicle must be used exclusively for executive hire or chauffeur work.
- F.2 Each application for exemption from the requirement to display an external licence plate will be determined by an authorised officer of the Council on a case by case basis.
- F.3 Those applying for exemption from the requirement to display an external licence plate will be required to present their vehicle to an authorised officer for inspection and provide evidence to show it is use exclusively for executive hire or chauffeur work.

**Annex G Standard conditions attached to a licence to operate private hire vehicles**

Duty to Provide a Basic Disclosure Annually

- G.1 Where the licence holder does not a licence issued by Redditch Borough Council authorising them to drive hackney carriage and/or private hire vehicles, they must submit a basic disclosure certificate annually within a 4 week period beginning with the anniversary of the date that the licence was issued.

Location of Operating Base and Records

- G.2 The licence holder must operate private hire vehicles from an address within the licensing authority's administrative area (hereafter referred to as "the operating base").
- G.3 All records required by these conditions and that are kept in a written form, must be kept and made available for inspection at the operating base.
- G.4 Where records are held electronically, they must be capable of being viewed by an authorised officer or police officer visiting the operating base.
- G.5 The licence holder must be able to provide an authorised officer or police officer with a printed copy of any records held electronically upon request.

Changes of Circumstances

- G.6 A licence holder must notify the licensing authority as soon as reasonably practicable and within no more than 48 hours in any of the following circumstances:
- if they been arrested or charged by the police in relation to any offence (including motoring offences)
  - if they receive a conviction, caution or fixed penalty in relation to any offence (including motoring offences)
- G.7 A licence holder must notify the licensing authority within 7 days of any change to their name and / or home address
- G.8 A licence holder must notify the licensing authority within 7 days of any change to the address of their operating base.

Records of Bookings

- G.9 The licence holder must ensure that accurate records of all bookings received are maintained. The following is the minimum information that must be recorded in respect of each booking:
- The name of the passenger
  - The time that the booking was received
  - The pick-up point
  - The requested pick-up time
  - The destination
  - The name of the driver dispatched to undertake the booking
  - The driver's licence number of the driver dispatched to undertake the booking
  - The vehicle registration number of the vehicle dispatched to undertake the booking
  - The name of any individual that responded to the booking request
  - The name of any individual that dispatched the vehicle



- G.10 The licence holder's record of all private hire bookings, whether retained in a book or on a computerised system, must be kept at the licensed premises for at least 12 months and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

Record Keeping – Vehicles and Driver's Operated

- G.11 The licence holder must retain an accurate records for all of the vehicles and drivers that they dispatch to undertaken bookings made with them. These records must include:
- The full name of each driver
  - Any call signs allocated to any drivers
  - The identity of the local authority that issued the relevant driver's licence
  - The registration number of any vehicles
  - The licence plate number of any vehicles
  - The identity of the local authority that issued the relevant vehicle's licence
- G.12 The licence holder must obtain and retain the following documentation in respect of every vehicle and driver they operate prior to allocating them any bookings, namely:
- a copy of the driver's current private hire driver's licence or badge
  - a copy of the vehicle's current private hire vehicle licence or front identity plate
  - a copy of the vehicle's current MOT certificate
  - a copy of the vehicle's current insurance certificate or cover note in respect of the driver using the vehicle.
- G.13 The above documentation relating to vehicles and drivers must be retained at the licensed premises for at least 12 months after a vehicle or driver ceases to undertake work for the licence holder and be readily available for production to an authorised officer or police constable for inspection at any time during the hours of operation.

Record Keeping – Form of Records and Data Security

- G.14 Whether records are kept in written or electronic form, they must at all times be in a format that is clear and legible.
- G.15 The licence holder must comply with their duties under data protection legislation to protect the information that they record and retain.

Provision of Information to Driver Dispatched

- G.16 A driver dispatched to fulfil a booking that has been accepted must be provided with the following information as a minimum:
- The name of the passenger
  - The pick-up point
  - The requested pick-up time
  - The destination

Provision of Information to Person Who Has Made a Booking

- G.17 A person who has had a booking accepted must be provided with the following information as a minimum:
- The registration number of the vehicle that will be dispatched to pick them up.
  - The licence (badge) number of the driver that will be driving the vehicle dispatched to pick them up.
- G.18 This information can be provided verbally over the telephone, by text message or by other electronic means.
- G.19 If the person's booking is being sub-contracted and will be carried out by a vehicle and driver licensed by a different licensing authority, the passenger must be provided the following information as a minimum:
- The name of the operator to whom the booking has been sub-contracted and the name of the licensing authority that has issued a licence to that operator.
  - The registration number of the vehicle that will be dispatched to pick them up.
  - The licence (badge) number of the driver that will be driving the vehicle dispatched to pick them up.
  - The name of the licensing authority that has licensed both the driver and vehicle

Use of Passenger Service Vehicles (PSVs) to Fulfil Bookings

- G.20 Where the licence holder also holds a PSV operator's licence, PSV's should not be used to fulfil bookings except with the informed consent of the hirer. This consent shall be recorded as part of the booking record.

Register of Staff

- G.21 The licence holder must maintain a register of all staff that will take bookings or dispatch vehicles.
- G.22 The licence holder must have in place a written policy on the employment of ex-offenders, which must include reference to the carrying out of Basic Disclosure and Barring Service (DBS) checks on any staff that are involved in taking bookings or dispatching vehicles.

Recording and Dealing with Complaints

- G.23 The licence holder must establish and maintain a written complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record is kept of the following information:
- the name, contact details of complainant and date complaint received
  - the date, time and details/nature of the complaint
  - the name of the driver (and Badge number) or member of staff, to which the complaint relates
  - details of the investigation carried out and any action taken.

G.24 Upon receiving a complaint or allegation concerning any of the following matters in relation to any person licensed by Redditch Borough Council you must report it to the Council immediately:

- sexual misconduct, sexual harassment or inappropriate sexual attention
- racist behaviour
- violent, aggressive or abusive behaviour
- dishonesty such as overcharging, theft or retention of lost property
- breach of equality legislation, such as refusing to carry an assistance dog

#### Waiting Rooms / Areas

G.25 Where a licence holder makes available a waiting room/area for those making bookings, this room/area must be maintained in a clean and tidy condition and must be free from any hazards.

#### Standard of Service

G.26 The licence holder shall take all reasonable steps to ensure that a reliable service is provided to anyone from whom a booking is accepted.

#### Conduct of licence holder and employees

G.27 The licence holder must behave in a civil, orderly and respectful manner at all times whilst communicating with people in course of delivering a private hire service.

G.28 In offering their services, the licence holder must ensure that they and any persons employed by them to communicate with customers, process bookings or dispatch vehicles, do not discriminate against any person because of their:

- Age
- Disability
- Gender reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

G.29 The licence holder must ensure that they and any persons employed by them to communicate with customers, process bookings or dispatch vehicles, do not engage in inappropriate conversations with passengers. Inappropriate topics of conversation include (but are not limited to) references to a persons personal life, relationship status, appearance, religion or political beliefs.

#### Lost Property

G.30 The licence holder must have a written policy setting out their procedure for dealing with property left in a licensed vehicle after a journey has ended. This policy must be communicated to all drivers to whom bookings are allocated.

G.31 The licence holder must take all reasonable steps to ensure any lost property is returned safely to its owner.

**Annex  
H****REDDITCH BOROUGH COUNCIL****HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SYSTEM**

The penalty points system for recording non-compliance with Hackney Carriage or Private Hire requirements will operate as follows:-

1. Redditch Borough Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation, byelaws or the requirements of this licence conditions are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued, there must be sufficient evidence to prove the relevant offence(s) or breach of condition(s).
3. Each case will be considered on its own merits.
4. When points are issued, the relevant proprietor, driver or operator will be sent written confirmation within five working days.
5. Points may be issued to the driver, proprietor and/or operator of a vehicle in accordance with the table below depending on the circumstances of the case.
6. Where the driver of the vehicle is also the proprietor and/or operator of the vehicle, only one set of points will be issued in respect of each offence or breach of condition identified.
7. There is a right of appeal to the Licensing and Support Manager against any points that are issued.
8. Points issued will remain "live" for a rolling period of two years from the date of issue. Points will be considered "spent" once it is more two years from the date of issue.
9. Any driver, proprietor or operator accumulating 12 points in a two year period will be referred to a Licensing Sub-Committee for a review of whether the individual remains a fit and proper person to hold the relevant licence.
10. When a driver, proprietor or operator appears before a Licensing Sub-Committee, the following options are available to the Sub-Committee:
  - Take no further action
  - Issue a written warning
  - Extend the two year period for which the points remain live
  - Suspend the licence
  - Revoke the licence
  - Any other action that the Sub-Committee feels appropriate in the circumstances of the case

11. Any driver appearing before a Licensing Sub-Committee will have the right to make representations to the Sub-Committee and be legally represented at the hearing.
12. Any driver, proprietor or operator who has their licence suspended or revoked by a Licensing Sub-Committee will have the right to appeal against the decision to a Magistrates Court within 21 days unless in the interests of public safety, the Sub-Committee further resolves that the suspension or revocation should have immediate effect.
13. Once a Licensing Sub-Committee has considered a case involving accumulated points, the points will be treated as spent unless the Sub-Committee decides otherwise.
14. If the Sub-Committee decides that any points are to remain live, they must stipulate the date at which they will be considered spent.
15. Nothing in this penalty points system will prevent the Council from taking action under any appropriate legislation.
16. The penalty points scheme will be subject to review two years after implementation and as necessary thereafter.

#### **SCHEDULE – TARIFF OF POINTS ISSUED FOR OFFENCES / BREACHES**

	<b>Offence (s) / Breach of condition (s)</b>	<b>Points applicable</b>	<b>Vehicle Driver</b>	<b>Vehicle Proprietor</b>	<b>Operator (PH)</b>
1	Failing to behave in a civil and orderly manner	4	X		
2	Failure to proceed to another hackney carriage stand on finding a hackney carriage stand full (over-ranking)	3	X		
3	Failing to wear drivers badge so it is plainly visible	3	X		
4	Failing to display vehicle licence plate on the outside rear of the vehicle	3	X	X	
5	Vehicle interior in unacceptable condition	3	X	X	
6	Vehicle exterior in unacceptable condition	3	X	X	
7	Failure to provide fire extinguisher	3	X	X	
8	Failure to provide adequate first aid kit	3	X	X	
9	Taximeter defective or not clearly visible	4	X	X	
10	Failing to afford reasonable assistance with loading and unloading luggage	3	X		
11	Failure to display table of fares	3	X	X	
12	Conveying more passengers in the vehicle than permitted by the licence	4	X		
13	Leaving hackney carriage unattended on a stand	3	X		
14	Charging more than the prescribed fare for a journey	4	X		
15	When hired to do so, failing to attend at the appointed time and place without reasonable cause	3	X	X	X

16	Failing to hand in property left in a licensed vehicle by a passenger	3	X	X	X
17	Failing to notify the Council of motoring or other convictions within 7 days	4	X	X	X
18	Failing to keep appropriate records of bookings	4			X
19	Failing to notify the Council of a change of name or address	3	X	X	X
20	Refusing a fare without reasonable cause	3	X		
21	Failing to report an accident to the Council within 72 hours	3	X	X	
22	Failing to produce insurance certificate to officer on request	4	X	X	
23	Failing to produce vehicle for inspection on request	4	X	X	
24	Failure to produce booking records upon request	4			X
25	Causing or permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand	4	X		
26	Unnecessarily prolonging a journey without reasonable cause	4	X		
27	Obstructing an authorised officer or constable	3	X	X	X
28	Failing to comply with a requirement properly made by an authorised officer or constable	3	X	X	X
29	Using vehicle horn otherwise than in accordance with the rule 112 of the Highway Code.	3	X		
30	Allowing smoking in a licensing vehicle	3	X		
31	Smoking in a licensed vehicle	3	X		
32	Parking a vehicle in an illegal or dangerous position	3	X		
33	Using a vehicle with defective lights	3 (per bulb)	X	X	
34	Using a vehicle with defective tyres	6 (per tyre)	X	X	

**Annex I      Granting of certificates exempting drivers from the duties in respect of carrying assistance dogs**

- I.1 Any person wishing to be exempted from the duties placed on them in respect of the carriage of assistance dogs in hackney carriage or private hire vehicles must complete and submit the relevant application form.
- I.2 The application must be accompanied a letter from the person's own registered GP that states that they are of the opinion that the person has a genuine medical condition that is aggravated by exposure to dogs. The application must also be accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.
- I.3 If an authorised officer of the Council is satisfied by the evidence accompanying the application, the licence holder will be issued with a notice of exemption notice. Whenever they are driving a hackney carriage or private hire vehicle, the holder of a notice of exemption must place it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard
- I.4 Where an exemption certificate is issued, the Council will also provide an additional tactile and/or large print resource to hackney carriage and private hire vehicle drivers so that assistance dog owners who are blind can identify that the driver has been issued with a certificate.

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**Reasons given by those who answered “Councillors (on a Licensing Sub-Committee)”**

Simon Deakin should decide as he the only Qualified individual and can give a FAIR and proper judgement regarding renewal exceeding 10 years.

I believe that the licensing committee will benefit from direct contact with drivers on this issue and will soon understand the problems and hardship that this policy brings.

Now a days the vehicle prices goes sky high and it's really hard to purchase a new vehicle. Specially when the business is not as it should before Covid . so if the vehicle is passed through MOT stations then councils should uplift the age policy. Because if the vehicle is in good condition and road worthy as well so why we the driver has to follow the age policy. I think so the council should have to think about drivers as well that in this competitive world it's really hard to change vehicle.

Licensing officers develop relationships with the Taxi Drivers and will not be as impartial. However, having 3 Councilors and the licensing officer with the legal officer is much more transparent

More fair with 3 people

As a councillor, I believe this is a fairer method and open to scrutiny. It is a fairer decision-making process with 3 sets of eyes and an agreement on the condition of vehicle between Councillors often from different Party's.

Overall a fairer system.

**COUNCILLORS ARE ELECTED  
MAKE THEM WORK**

**THEY ARE FAIRER AS THEY HAVE TO AGREE ON A FAIR DECISION**

They have agreed to pass my Taxi and I am grateful as the cost of newer car is too much at this time.

Good and different elected councillors.

Councillors give confidence to the system.
Same as everywhere else
The Councillors can be responsible for maintaining high standards and are elected to do so.
The directly elected and accountable people.
Councillors give confidence to the public as we voted for them.
Make the councillors work, they are chosen for these duties.
Three equals Three sets of eyes Three from opposing political parties
Works ok Stop wasting money
Licensing Officers are not independent enough of Redditch Council
Councillors should be responsible and should have the Taxi tester there as well to have his opinion. I have been through this process and found the councillors not very knowledgeable when it comes to vehicle standards. The tester employed by the council will know the car very well and really only needs him to write a report.
Fair
Don't trust council only
Fairer to have 3 independent people that normally don't work well together
As elected reps for public

It's what they get paid for and are elected to do in these committees

Councillors are our elected representatives.  
Council staff are not elected and it seems they are seeking power.  
If they want more peers, tell them to stand and be elected.

Taxi drivers can't influence 3 councillors where they could be more friendly with one or two Council Officers

My dad is a Taxi driver and he recently found the system to be fair.  
He did not see the need for a change but we should not be kept waiting so long by the council. Have more regular committees but with Councillors.

I believe Councillors would have a more open and un-biased opinion as they do not deal with the operator or its drivers on a regular basis.  
The system was only changed due to Covid and was only ever meant to be an emergency (temporary) arrangement.

### Reasons given by those who answered “Licensing Officers”

Be more easier and would not have to wait for a date I think Crossgate should check the vehicle as they test it they know if the vehicle is roadworthy

I personally think that crossgate tester should make the decision on the matter as he or she checks the vehicles and knows how safe and roadworthy they are.

The reason is it would leave councillors more time to do other important work it's much easier for drivers to have done at Crossgates it's saves time for drivers for waiting up to 2 months to be seen by councillors

The primary source of information on whether a vehicle is warranted an extension or not should lay with the people inspecting them. If they deem the vehicle roadworthy then a licensing officer may wish to check the physical appearance of ether car, and whether it is suitable for members of the public to be transported in.

I've never understood why councillors on a sub committee would ever be the deciding factor in regards to liven extension when they have no knowledge of vehicle maintenance, inspection, and in fact only base their decision on their own opinion.

Extensions should not be based on opinion.

Is the vehicle roadworthy and kept to a good standard? YES OR NO

Is there anything about the appearance of the vehicle that affects its roadworthiness? YES OR NO?

If answer to both are NO, the vehicle should be granted an extension.

If the vehicle is deemed roadworthy (mechanically) but may have some cosmetic damage, then I feel a temporary extension is giving and the owner just have remedial work done within a set time period.

As a company owner, in an ideal world we want all driver to have nice expensive cars for our clients, but the reality is it's not affordable. We also don't have the level of clientele to warrant spending large amounts on executive saloons. Taxis are often abused by passengers and therefore most driver will buy cheaper. We should be encouraging drivers to spend a little bit more with the premise that extensions are likely if they maintain their vehicles to a reasonable standard.

Licensing officers because they have better idea of what's going on

Simply because, we are getting battered as it is, it's costing £500 a week before we are making money, councillors are parasites who only want brown envelopes , don't let these vile people anywhere near this

I had my Vehicle inspected for an Extension in Covid by the Licensing Officer, Tom Phelan. Under the circumstances, I thought he did an Excellent job and I would definitely recommend Licensing Officers to take on this role.

In my opinion the person at cross gate who inspect the vehicle is the best person rather then councillors or licensing officer.

It will be cost effective and less time consuming, if the MOT tester has passed the vehicle then a licencing officer can be present to reduce time to come with a out come, in appose to councillors who have no clue about the car.

Just makes sense

Why hold a meeting a the council when an officer can make the desision

Holding a meetings seems like a waste of money

To save time and cost.

Saves time, they are more qualified than a committee. Should also include mot examiner as he knows the vehicle better than everyone.

Only concern is that there might be some bias towards some drivers. As the general feeling in the trade is that those drivers and operators who get on with licencing officers, will probably get below standard vehicles passed.

I believe that the majority of Councillors do not have mechanical skills qualifications. this is a very specialized area of expertise which could lead to serious consequences if the wrong decision was taken.

There should be no compromise when it comes to the safety of the travelling public , clearly it is in the best interests of all that this should be delegated to responsible officers who can ensure that the vehicle is safe for the travelling public.

The officers are the professionals in this field, not untrained councillors. It would speed up the process allowing for a taxi to get on the road and earning again.

It would remove the anxiety of thing up in front of a courtroom style committee and also save the council time and money.

Because they are more operational

The licensing officer are better equipped to decide whether or not to renew the vehicle as opposed to councillors, who are not specialised in this field.

Councillors should stick to running the council and their constituency needs, not dabbling in taxi licensing which is above their intellect.

Moreover we believe if the vehicle is passed by the Crossgate Depot then that should be sufficient, if the vehicle is pristine mechanical condition.

It doesn't take 6 people to check a vehicle can be done at cross gates more convenient for me

licensing officer has the complete MOT and test record and report recieved every six months with Vehecle Exminer reviews and he/she knows better wether to allow or disallow .  
Regards

It's more convenient and shud not take 2 month

They would know

Hi there ,I had an experienced both of them and I think licensing officers decision is more practical and more beneficial for drivers and for council as well and the reason are.

- ☆)It's a long wait for the committee to give u date and time.
- ☆)They changed the date without any notice in committee and you have no other option to come on that given time.
- ☆)It's a long wait for the appearance in front of councillors.
- ☆)Sometime there is a parking issue when u come to town hall for committee.
- ☆)So many people on the same day.
- ☆)Licencing officers wasting no time and vehicle inspected on given date in 10 mins.

Save the time and money also they know much better then local sitting councillors 6ppl occupied for nothing

I think Simon and enforcement can make better decisions

If a Licensing Officer actually examines the vehicle which the 3 Councillors would not then the Licensing Officers are better placed to make an informed decision.

**Do you have any other comments to make in relation to this matter?**

We should encourage private hire minibuses to convert to Hackney carriage as there is currently zero 8 seaters on the ranks

I believe that the vehicle should not be subject to an age policy but should be subject to an emission's and condition policy

Many of the accessible vehicles that carry school children will cost in excess of £50,000 are a commercial vehicles and are designed to work efficiently for in excess of 200,000, the majority of these vehicles will only do 6,000 to 8,000 miles a year,

The cost to the travelling public is raised due to the depreciation on a private hire vehicle being greater that that of a private or company car.

HGV and PSV vehicles do not have an age policy.

Yes, you should be lobbying insurance companies to lower the rate, this is putting drivers out of work along with the rip off diesel and petrol prices

I think this is an excellent idea and hopefully it is pushed through to become Permanent.

As I said before  
The best person to decide is the one inspect the vehicle .

I would prefer a licencing officer to a council members who havent a clue about cars, also the MOT tester to have a say aswell

some drivers using Wolverhampton plates driving in REDDITCH working for big operators company's in REDDITCH.  
They driving 10 years older car's.

Pay a Redditch council office

This is a duty for elected members not for unelected Officers!

MORE REGULARLY PLEASE

Fairer decisions by Councillors
Public interest to have Councillors conduct this decision
Elected councillors are 3 and a fairer method.
Unfair for one person to make this decision.
Why should 1 council officer do it?
Too slow process - speed up please But inspection is only 5mins
Public Safety is important. If it's working, don't change it. Don't use this to change other things for taxi drivers in the future.
Is the consultation available in Urdu as many drivers don't read this amount of English to comprehend the first page.
For transparency the system needs to remain.
When deciding on these individual applications, the starting point for the Licensing Sub-Committee is that the application should be refused unless the vehicle is of such an exceptional standard as to justify a departure from the Council's policy.  Are you suggesting the above will change if council officers carry out the process? It would help if you were clear.
Any advantages or disadvantages?
Are you trying to increase fees again for cabbies?
the safety of the vehicle should be assessed by experts and a decision made certainly not by well-meaning amateurs.



I do not believe we should allow aged and tatty cars to be used as private hire vehicles, some of the cars in Redditch are embarrassing, i have been in enough.

We have policies to stop aged cars being used, yet i believe that licensing often just extends the periods. Either scrap or enforce the policies which have gone through Council

Reduce costs

Trust council officer less than dodgy politicians

Speed up the delays

Why change it if it's working

Better with Three Councillors

A duty of elected members not to be conducted by unelected administrative officials.

I vote for councillors

☆)Licensing officers time is available all the time as compare councillors time are more valuable to utilise it some other important matters.

☆)No problem of parking in Licensing officer's site.

☆)No waiting, you free in 15 mins as compare to committee it will spend 4-5 hours ,so much waste of time.

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## Multiple Responses from the Same IP Address

IP Address Identifier	Total responses from this IP Address	Number of these responses in favour of Councillors making relevant decisions	Number of these responses in favour of Officers making relevant decisions	Date / time of first response from this IP address	Date / time of last response from this IP address
IPA001	2	2	0	24/10/2022 11:58	24/10/2022 15:18
IPA002	9	9	0	25/10/2022 08:27	25/10/2022 08:38
IPA003	42	42	0	31/10/2022 17:41	31/10/2022 19:11
IPA004	12	12	0	24/10/2022 20:02	24/10/2022 20:33
IPA005	2	2	0	24/10/2022 21:19	24/10/2022 21:35
IPA006	2	0	2	05/11/2022 13:20	05/11/2022 13:24
IPA007	2	1	1	25/10/2022 16:46	29/10/2022 14:30
IPA008	11	11	0	24/10/2022 20:47	25/10/2022 09:25

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REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**20<sup>th</sup> March 2023**REVIEW OF SEX ESTABLISHMENT LICENSING POLICY**  
**CONSIDERATION OF RESPONSE TO CONSULTATION**

Relevant Portfolio Holder	Councillor N Nazir
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 Redditch Borough Council has previously adopted a Sex Establishment Licensing Policy which took effect on 1<sup>st</sup> August 2015.
- 1.2 On 17<sup>th</sup> October 2022, Members resolved to direct officers to carry out consultation with relevant stakeholders and the general public on a draft revised version of this Policy.
- 1.3 This consultation exercise has now been completed and the response to this now needs to be considered and a revised version of the Policy approved, to take effect on 1<sup>st</sup> April 2023.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee considers the response received during the consultation exercise and RESOLVES to approve the revised Sex Establishment Licensing Policy shown at Appendix 2 to take effect on 1<sup>st</sup> April 2023.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs of carrying out the consultation exercise were met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”), as amended, allows local authorities to adopt provisions concerning the regulation of sex establishments. Under the Act there is no legal requirement for the Council to adopt a policy on how it proposes to license sex establishments under the Act. However, it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its licensing functions are carried out.
- 3.3 Where a Council has adopted such a policy, it is best practice for that policy to be reviewed periodically to ensure it remains up to date and fit for purpose.

**Service / Operational Implications**

- 3.4 The Local Government (Miscellaneous Provisions) Act 1982, when originally enacted, allowed for the licensing of Sex Establishments (i.e. sex shops and sex cinemas) by those local authorities, like Redditch Borough Council, that adopted Schedule 3 of the Act.
- 3.5 The Council resolved to adopt the original provisions at a meeting on 25<sup>th</sup> October 1982.
- 3.6 On 9<sup>th</sup> August 2010 the Council resolved to adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which were amended by virtue of Section 27 of the Policing and Crime Act 2009.
- 3.7 The adoption of the provisions as amended by the Policing and Crime Act 2009 meant that “sexual entertainment venues” in the District are subject to the same licensing requirements as sex shops and sex cinemas.
- 3.8 The new controls strengthened the role that local communities can play in deciding whether, for example, a lap dancing premises is appropriate for the locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people have legitimate concerns about where such premises are located.
- 3.9 On 20<sup>th</sup> July 2015, the Licensing Committee resolved to adopt a Sex Establishment Licensing Policy with effect from 1<sup>st</sup> August 2015.

**LICENSING COMMITTEE**20<sup>th</sup> March 2023

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- 3.10 The policy sets out how Redditch Borough Council approaches its licensing functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 3.11 It also provides guidance to Members and Officers when considering applications and informs potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing functions.
- 3.12 As the existing policy had been in place for more than seven years, officers considered that it was an appropriate time for the policy to be reviewed and for a revised version of the policy to be adopted.
- 3.13 Officers therefore reviewed the existing policy and presented a draft revised version to Members at the Licensing Committee meeting that took place on 17<sup>th</sup> October 2023.
- 3.14 The majority of the revisions that had been made were minor in nature and had been made to ensure the document is up to date and is as clear and easy to understand as is possible.
- 3.15 The draft revised policy was amended to update the foreword at the beginning of the document so that it reflected the current vision as set out in the Council Plan.
- 3.16 The draft revised policy was also updated to reflect the renaming of of the Local Safeguarding Children Board as Worcestershire Safeguarding Children Partnership.
- 3.17 The level of fines applicable in respect of various offences set out in the relevant legislation were amended to reflect changes made to these since the current policy was approved.
- 3.18 Having considered the draft revised version of the Policy, Members resolved to direct officers to carry out consultation with relevant stakeholders and the public on it.
- 3.19 The consultation exercise was undertaken between 20<sup>th</sup> December 2022 and 17<sup>th</sup> February 2023.
- 3.20 A consultation survey was hosted on the Council's website and also publicised via social media channels.

**LICENSING COMMITTEE**20<sup>th</sup> March 2023

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- 3.21 Details of the consultation and a copy of the draft revised policy was also forwarded to a number of relevant stakeholders, which included:
- West Mercia Police
  - West Mercia Police and Crime Commissioner
  - Hereford and Worcester Fire and Rescue Service
  - Worcestershire Trading Standards
  - UK Hospitality
  - Night-Time Industries Association
  - Redditch Business Improvement District
  - Worcestershire Local Enterprise Partnership
  - Hereford and Worcester Chamber of Commerce
  - Federation of Small Business
  - Redditch Pubwatch
  - Safer Redditch (Community Safety Partnership)
  - Director of Public Health for Worcestershire
  - Redditch Borough Council Planning Department
  - Worcestershire Safeguarding Children Partnership
  - Feckenham Parish Council
  - Redditch Borough Councillors
  - Rachel Maclean MP
  - The Fawcett Society
  - Object
- 3.22 The only response received during the consultation exercise was sent on behalf of the Director of Public Health for Worcestershire. The response received can be seen at **Appendix 1**.
- 3.23 The Director of Public Health has recommended that they be included in the list of consultees on applications made for sex establishment licences in the Borough.
- 3.24 Officers agree that this would be an appropriate amendment to make to the consultation arrangements for applications received for sex establishment licences and have therefore updated paragraph 2.4.1 of the draft revised policy to include the Director of Public Health in the list of bodies that will be notified of applications received. The updated version of the draft revised policy is shown at **Appendix 2**.
- 3.25 Members are now asked to consider the response to the consultation exercise and to resolve to approve the draft revised policy shown at **Appendix 2** to take effect on 1<sup>st</sup> April 2023.



**4. RISK MANAGEMENT**

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Carrying out consultation with relevant stakeholders when reviewing the policy minimises the risk of legal challenge.

**5. APPENDICES**

Appendix 1 - Response from Director of Public Health

Appendix 2 - Draft Revised Sex Establishment Licensing Policy  
(Amended Following Consultation Exercise)

**AUTHOR OF REPORT**

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**From:** Tillsley, Deborah <[redacted]>  
**Sent:** 10 January 2023 09:21  
**To:** Dave Etheridge <[redacted]>  
**Subject:** External Email : Sex entertainment premises licence - Redditch and Bromsgrove

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**This email originated from outside of the organisation**

**STOP : Were you expecting this email? Does it look genuine?**

**THINK : Before you CLICK on any links or OPEN any attachments.**

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Hi Dave,

There are over 400,000 diagnoses of sexually-transmitted infections in England each year, as cases of syphilis have reached their highest level since 1949. The threat from antimicrobial resistance continues to grow, with drug-resistant infections now estimated to cause 700,000 deaths globally every year (PHE strategy 2020-2025).

Public Health recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. However, we also recognise the potential risks to staff and performers of sex establishments, particularly where alcohol is present. Links between alcohol use and poor sexual health outcomes has been recognised for some time.

Supporting people to adopt healthy behaviours can help to prevent poor health. Evidence shows that prevention and early intervention represent good value for money and the licensing process provides an opportunity to communicate key messages to those who may be at risk. Public health recommends that:

- The Director of Public Health be added to the list of consultees for sex entertainment premises

Deborah Tillsley  
Public Health Practitioner  
Chief Executives Directorate  
Worcestershire County Council  
Tel: [redacted]  
Email: [redacted]

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# **Sex Establishment Licensing Policy**

Adopted with effect 1<sup>st</sup> April 2023

**FOREWORD**

Redditch Borough is within the County of Worcestershire and borders Warwickshire County to the east and southeast. It is surrounded by Bromsgrove District to the west and north, Stratford District to the east and southeast and Wychavon District to the southwest.

The Borough is situated at the outer edge of the Green Belt boundary for the West Midlands. Redditch offers easy access to the countryside and prominent local areas, including culturally rich areas such as Stratford upon Avon and naturally rich areas such as the Cotswolds.

The Borough lies 15 miles south of the Birmingham conurbation and Birmingham airport is approximately a 25 minute drive away.

Redditch Borough consists of the main town of Redditch, the villages of Astwood Bank and Feckenham and several other hamlets. It covers an area of 5,435 hectares (13,430 acres) with a population of around 87,000 (2021 census)

The Borough is split into the urban area of Redditch in the north, accounting for 50% of the area and 93% of the population; and the rural area to the south with 7% of the population. The rural area consists predominantly of Green Belt land, but also open countryside, as well as the villages of Astwood Bank and Feckenham.

The Council's vision is to enrich the lives and aspirations of our residents, businesses and visitors through the provision of efficiently run and high quality services, ensuring that all in need receive appropriate help, support and opportunities.

This policy statement accords with the Council's vision and the strategic purposes and priorities set out in the Council Plan.

**CONTENTS**

<b>SECTION</b>	<b>Page Number</b>
1 Introduction	3
2 Licence Applications	5
3 Determination of Applications	8
4 Power to Prescribe Standard Conditions	11
5 Hearings	12
6 Operation and Management	13
7 Enforcement	14
8 Revocation of Licences	15
9 Amendments to Policy	16
 <b>ANNEXES</b>	
A Key Definitions	17
B Form of Public Notice	20
C Table of Delegated Functions	21
D Standard Conditions (Shops and Cinemas)	22
E Standard Conditions (Sexual Entertainment Venues)	27
F Hearings Procedure	30

## 1. INTRODUCTION

### 1.1 The Policy

- 1.1.1 This document states Redditch Borough Council's policy on the regulation of sex establishments.
- 1.1.2 This Policy was consulted upon between 20<sup>th</sup> December 2022 and 17<sup>th</sup> February 2023 and approved on 20<sup>th</sup> March 2023.
- 1.1.3 Consultation was carried out with local residents, relevant trade organisations, the Chief Officer of Police and other relevant organisations.
- 1.1.4 In developing this Policy Statement, we took into account the legal requirements of the 1982 Act and our duties under:-
- (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
  - (b) The Regulators Compliance Code (set out under the legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
  - (c) The Provisions of Services Regulations 2009 to ensure requirements are:
    - (i) Non-discriminatory
    - (ii) Justified by an overriding reason relating to the public interest
    - (iii) Proportionate to that public interest objective
    - (iv) Clear and unambiguous
    - (v) Objective
    - (vi) Made public in advance, and
    - (vii) Transparent and accessible.
- 1.1.5 This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equality Act 2010.

### 1.2 The Law

- 1.2.1 The Local Government (Miscellaneous Provisions) Act 1982 introduced a licensing regime to control "sex establishments". Redditch Borough Council adopted Schedule 3 on 25<sup>th</sup> October 1982. This meant that the Council controlled and regulated the operation of "sex shops" and "sex cinemas" within the district from this date.
- 1.2.2 The Local Government (Miscellaneous Provisions) Act 1982 was amended by the Policing and Crime Act 2009 to extend the licensing regime to include "sexual entertainment venues" within the definition of sex establishments. Redditch Borough Council adopted the amended provisions of Schedule 3 on 9<sup>th</sup> August 2010. This meant that the Council now controls and regulates all types of sex establishment – sex shops, sex cinemas and sexual entertainment venues.



**APPENDIX 2**

- 1.2.3 A list of definitions of the key terms used throughout the legislation and this Policy can be found at **Annex A** to this Policy.
- 1.2.4 No sex establishment can operate unless it has obtained a licence from the Council – any such licence will contain conditions that will restrict how that premises may trade.
- 1.2.5 The Council does not take any moral stand in adopting this Policy. The Council recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is this Council's role as the Licensing Authority to administer the licensing regime in accordance with the law.

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**2. LICENCE APPLICATIONS****2.1 Right to Waiver**

- 2.1.1 Redditch Borough Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
- 2.1.2 Each application for a waiver will be considered on its own merits, however, any establishment that would normally require licensing under the provisions of the Act is unlikely to be granted a waiver other than in exceptional circumstances.
- 2.1.3 A waiver may be for such period as the Council think fit. Where the Council grant an application for a waiver, it will give the applicant for the waiver notice that they have granted the application.
- 2.1.4 The Council may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

**2.2 Application Details**

- 2.2.1 The applicant will be required to make their application in accordance with Clause 10, Schedule 3, of the Act.
- 2.2.2 To apply for the grant of a new sex establishment licence, an applicant must submit:-
- A completed application form;
  - A plan to the scale of 1:100 of the premises to which the application relates showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
  - A site plan scale 1:1250.
  - Drawings showing the front elevation as existing and as proposed to a scale of (1:50).
- 2.2.3 All applications must be accompanied by the relevant fee. In the event of an application being refused, the application fee may be refunded less an appropriate charge for the administrative process undertaken in determining the application, including any hearing before the Licensing Committee.
- 2.3 Consultation Arrangements - Public**
- 2.3.1 The applicant must advertise any application for grant of a new licence or renewal, transfer or variation of an existing licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

## 2.3.2 This states that:-

- An applicant for the grant, renewal or transfer of a licence shall give public notice of the application.
- Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area
- The publication shall not be later than 7 days after the date of the application.
- Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- Every notice which relates to premises shall identify the premises
- Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- A notice shall be in such form as the appropriate authority may prescribe. (The form prescribed by Redditch Borough Council for such notices is shown at **Annex B** to this Policy)

**2.4 Consultation Arrangements – Relevant Bodies**

2.4.1 The Council will also notify all applications for grant, renewal, transfer or variation of a licence to the following bodies who may comment on or object to the application within 28 days of the date of the application: -

- Chief Officer of West Mercia Police
- Worcestershire Safeguarding Children Partnership
- Hereford and Worcester Fire and Rescue Service
- Worcestershire Trading Standards
- Director of Public Health for Worcestershire
- Local Planning Authority (Redditch Borough Council)
- Any relevant Parish Council
- Relevant Redditch Borough Council Ward Members

**2.5 Objections**

2.5.1 When considering an application for the grant, renewal, variation or transfer of a Sex Establishment Licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.

2.5.2 Any person can object to an application but the objection should be relevant either to the **mandatory grounds** for refusal set in **Section 3.3** or to the **discretionary grounds for refusal** set out in **section 3.4** below.

**APPENDIX 2**

- 2.5.3 Objections should not be made on moral grounds or values. Any decision to refuse a licence will be relevant to one or more of the grounds in **3.3 and 3.4** below.
- 2.5.4 Objectors must give notice of their objection in writing, stating the general terms of the objections.
- 2.5.5 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.

**2.6 Variation of a Licence**

- 2.6.1 The holder of a Sex Establishment Licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 2.6.2 The process of applying for a variation is the same as that for applying for an initial grant except that plans and drawings of the premises are not required unless the variation application involves making structural alterations to the premises.

**2.7 Renewal of a Licence**

- 2.7.1 The holder of a Sex Establishment Licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.
- 2.7.2 The process of applying for the renewal of a licence is the same as that for an initial grant except that plans and drawings of the premises are not required.

**2.8 Transfer of a Licence**

- 2.8.1 A person may apply for the transfer of a licence at any time.
- 2.8.2 The process of applying for the transfer of a licence is the same as that for an initial grant except that plans and drawings of the premises are not required.

### **3. DETERMINATION OF APPLICATIONS**

#### **3.1 Decision Making – Delegation of Functions**

3.1.1 Decisions relating to Sex Establishment licensing will be delegated in accordance with the table of delegated functions shown at **Annex C**.

#### **3.2 General Principles**

3.2.1 In determining an application relating to a sex establishment licence the Council will assess the application on its merits having regard to the content of this Policy, the relevant legislation and any relevant guidance that may be issued from time to time.

3.2.2 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given. Only a Licensing Committee may authorise a departure from the policy if it feels it appropriate for a specific application.

3.2.3 In determining an application for the grant, renewal, transfer or variation of a licence, the Council will have regard to any representations that it has received that are relevant to the grounds set out in **3.3 and 3.4**.

3.2.4 The Council will consider granting licences of 12 months duration or for a shorter term if deemed appropriate.

#### **3.3 Mandatory Refusal of Applications**

3.3.1 A licence under the Act cannot be granted —

- to a person under the age of 18; or
- to a person who is for the time being disqualified having had a licence revoked in the past 12 months; or
- to a person, other than a body corporate, who is not resident in an European Economic Area state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an European Economic Area state; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

### 3.4 Discretionary Refusal of Applications

- 3.4.1 The Council may refuse an application for grant or renewal of a licence on one or more of the grounds specified below:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality (nil may be an appropriate number);
  - (d) that the grant or renewal of the licence would be inappropriate, having regard—
    - (i) to the character of the relevant locality; or
    - (ii) to the use to which any premises in the vicinity are put; or
    - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 3.4.2 The Council may refuse an application for the transfer of a licence on either or both of the grounds specified below:-
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

### 3.5 Applicant Suitability

- 3.5.1 In determining applicant suitability for the grant of a new licence, renewal of a licence, or the transfer of an existing licence, the Council will take the following into account:
- Previous relevant knowledge and experience of the applicant;
  - Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
  - Any report about the applicant and management of the Premises received from objectors.
- 3.5.2 In particular the Council will liaise closely with the Police and any other relevant appropriate agencies in determining the fitness of the applicant.

- 3.5.3 Whilst every application will be considered on its merits, the Council will be unlikely to grant an application from any person, or for the benefit of any person, with unspent relevant criminal convictions.

### **3.6 Location of the Premises**

- 3.6.1 In accordance with relevant case law, the Council shall decide on the suitability of a particular locality for a sex establishment as a matter of fact to be determined by the particular circumstances of each case and not by the prescription of boundaries as stated on a map.

- 3.6.2 The Council is mindful of its power to determine that no sex establishments should be located in a particular locality.

- 3.6.2 In determining whether the proposed location of a sex establishment is appropriate, the Council will have regard to all of the relevant circumstances including the following:-

- The general character of the relevant locality
- The proximity of residential premises
- The proximity of any places of public religious worship
- The proximity of any schools or other educational establishments
- The proximity of any playing fields and play areas
- The proximity of any leisure centres or swimming pools
- The proximity of any libraries or other public buildings
- The proximity of any youth clubs
- The proximity of any other licensed sex establishments
- The proximity of any premises authorised under the Licensing Act 2003 for the sale or supply of alcohol for consumption on the premises.

### **3.7 Renewal Applications**

- 3.7.1 When considering an application for renewal of a sex establishment licence the Council will have due regard to how long the premises have existed and been licensed.

4. **POWER TO PRESCRIBE STANDARD CONDITIONS**
- 4.1 Schedule 3 Section 13 of the Act provides a power for the Council to specify Standard Conditions in relation to sex establishment licences.
- 4.2 The Council's Standard Conditions for sex shops and sex cinemas are detailed in **Annex D** of this Policy. The Council's Standard Conditions for sexual entertainment venues are detailed at **Annex E** of this Policy.
- 4.3 All licences will be granted, renewed, transferred or varied subject to these Standard Conditions unless expressly excluded, varied or added to by a Licensing Sub-Committee.

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**5. HEARINGS**

- 5.1 Where the Council is required to determine an application by reference to a Licensing Sub-Committee, the applicant and objectors will be advised of the date, time and venue of the hearing.
- 5.3 Hearings will be carried out in accordance with the Council's agreed procedure for Licensing Hearings, which is shown at **Annex F**.
- 5.4 The Licensing Sub-Committee will normally communicate their decision at the end of the hearing and all parties will also receive written confirmation of the decision taken by the Licensing Sub-Committee.

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**6 OPERATION AND MANAGEMENT OF PREMISES**

- 6.1.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.
- 6.1.2 In terms of the management of licensed Premises, the Council strongly encourages where possible and appropriate, that licensees:
- a) Work with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment, both within licensed Premises and in the environs around them;
  - b) Particularly those licence holders whose Premises are located in areas with high levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.
  - c) In terms of the management of licensed Premises, the Council strongly encourages and where possible and appropriate all licensees to develop strategies and procedures to increase access for disabled people to the Premises.
  - d) In terms of the employment of staff in licensed Premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

## 7. ENFORCEMENT

### 7.1 **General**

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.
- 7.1.2 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Council's Corporate Enforcement Policy. This has been drafted with reference to the Statutory Regulator's Compliance Code.
- 7.1.3 The responsibility for the overall supervision of sex establishment licensing lies with the Head of Worcestershire Regulatory Services.

### 7.2 **Offences**

- 7.2.1 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that schedule and include:
- Knowingly causing or permitting the use of any premises as Sex Establishment without a licence;
  - Being the holder of a licence, knowingly employing a person in a Sex Establishment who is disqualified from holding a licence;
  - Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
  - Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
  - Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
  - Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.
- 7.2.2 A person guilty of any of the above offences is liable on summary conviction to an unlimited fine.
- 7.2.3 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

**8. REVOCATION OF LICENCES**

- 8.1 The Council may, after giving the holder of a licence an opportunity of appearing before and being heard by them, at any time revoke the licence on any of the following grounds:-
- (a) that one of the mandatory grounds for refusing to grant a licence exists and has come to light since the grant of the licence.
  - (b) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (c) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself
- 8.2 The Council will consider whether or not to revoke a licence upon a request to do so from the Police or at the recommendation of the Head of Worcestershire Regulatory Services following representations from any other person or body.

**9. AMENDMENTS TO THIS POLICY**

- 9.1 Any significant amendment to this policy will only be implemented after further consultation with the trade and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution.
- 9.2 For the purpose of this section, any significant amendment is defined as one that:
- a) is likely to have a significant financial effect on licence holders, or
  - b) is likely to have a significant procedural effect on licence holders, or
  - c) is likely to have a significant effect on the community.

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**ANNEX A - KEY DEFINITIONS**

<b>TERM</b>	<b>DEFINITION</b>
the Act	Local Government (Miscellaneous Provisions) Act 1982
Authorised Officer	any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
the Council	Redditch Borough Council
he, his	all references to 'he' or 'his' also include 'she' or 'hers'
Licence Holder	a person who holds a Sex Establishment Licence under the Act
this Policy	Redditch Borough Council's Sex Establishment Licensing Policy
Premises	A building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a Sex Establishment Licence granted under the Act
Sex Establishment	As defined in Schedule 3 of the Act (as amended)  A sex establishment means a sex shop, sex cinema or sexual entertainment venue as defined below in extracts from the Act.
Sex Cinema	As defined in Schedule 3 of the Act (as amended)  3. — (1) In this Schedule, "sex cinema" means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which— (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage— (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity; or (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted. (2) No premises shall be treated as a sex cinema by reason only— (a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (which the meaning of section 136 of that Act), of their use in accordance with that authorisation; or (b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

## Sex Shop

As defined in Schedule 3 of the Act, as amended

4. —

(1) In this Schedule “sex shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

(3) In this Schedule “sex article” means—

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies—

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (b) to any recording of vision or sound, which—
  - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
  - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Sexual Entertainment  
Venue

As defined in Schedule 3 of the Act (as amended)

2A

(1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(3) The following are not sexual entertainment venues for the

purposes of this Schedule—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - (ii) no such occasion has lasted for more than 24 hours; and
  - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

“audience” includes an audience of one;

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;



**ANNEX B - FORM OF PUBLIC NOTICE****Local Government (Miscellaneous Provisions) Act 1982****Schedule 3****NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION / TRANSFER  
OF A SEX ESTABLISHMENT LICENCE**

Name/s of Applicant/s	
Postal address of premises including name of the premises and post code (where possible) or a description to enable the location to be identified.	
Summary of application (hours of trading, type of licence, etc):	
<p><b>NOTICE IS HEREBY GIVEN</b> that an application has been made to Redditch Borough Council for a licence to use the above premises as a sex establishment.</p> <p>Copies of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a licence) and of the application may be inspected at the Town Hall, Walter Stranz Square, Redditch, Worcestershire, B97 9SB between 9.00 am and 5.00 pm (Monday to Friday except public holidays).</p> <p>Any objections in respect of the above application must be made in writing to the council at the above address by</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(28 days after the date of the application)</p> <p>It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by an unlimited fine.</p>	

**ANNEX C - TABLE OF DELEGATED FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Approval of any sex establishment licensing policy	All cases		
Setting of all fees in relation to sex establishment licences	All cases		
Application for a new sex establishment licence		In all cases	
Application for variation of a sex establishment licence		In all cases	
Application for transfer of a sex establishment licence		Where objections are received	In all other cases
Application for renewal of a sex establishment licence		Where objections are received	In all other cases
Application for waiver from the requirement for a licence		In all cases	
Consideration of the revocation of a sex establishment licence		In all cases	

**ANNEX D****STANDARD CONDITIONS****APPLICABLE TO LICENCES FOR SEX SHOPS AND SEX CINEMAS****Definition**

1. In these conditions save when the context otherwise requires the following expressions shall have the following meanings:-
  - (i) "Sex Establishment" "Sex Cinema" "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
  - (ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building, or part of a building which is the subject of a Licence for a Sex Establishment granted under the said Third Schedule.
  - (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
  - (iv) "Approved" means approved by the Council in writing.
  - (v) "The Council" means Redditch Borough Council.
  - (vi) "Film" shall have the meaning ascribed to it in the Films Acts 1960 – 1980.

**General**

2. In the event of a conflict between these Regulations and any special conditions contained in a Licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a Licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
4. The marginal notes inserted in these Regulations are inserted for the purpose of convenience only and shall not affect in any way the meaning or construction thereof.

**Hours of opening**

5. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 9.30 a.m. and shall not be kept open after 6.00 p.m. on Mondays to Saturdays inclusive (Fridays to 8.00 p.m.).
6. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public on Sundays or any Bank Holidays or any public holidays.

**Conduct and Management of Sex Establishments**

7. Where the Licensee is a body corporate or an unincorporated body any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
8. The Licensee, or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the Premises during the whole time they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment shall be the Licensee or a Manager approved by the Council and shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
10. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his absence, and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised Officers of the Council.
11. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the Premises.
12. The Licensee shall maintain good order in the Premises.
13. No person under the age of 18 shall be admitted to the Premises or employed in the business of a Sex Establishment.
14. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
15. No part of the Premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling.
16. Neither the Licensee nor any employee or to the person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
17. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
18. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council, indicating his name and that he is an employee.
19. The copy of the Licence and of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be

displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

### **Use**

20. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
21. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
22. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
23. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

### **Goods Available in Sex Establishments**

24. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
25. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
26. No film or video film shall be exhibited sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
27. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling in matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

### **External Appearance**

28. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
  - (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a Licence granted by the Council.

**APPENDIX 2**

- (ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
29. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
30. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 28 hereof.

**State Condition and Layout of the Premises**

31. The Premises shall be maintained in a good repair and condition.
32. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
33. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
  - (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
  - (iii) Save in the case of an emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
34. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
35. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.
36. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
37. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting, or layout of the Premises shall not be made except with the prior approval of the Council.
38. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

**Safety**

39. The Licensee shall take all reasonable precautions for the safety of the public and employees.
40. The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.
41. The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

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**ANNEX E****STANDARD CONDITIONS****APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES****General**

1. Only activities which have previously been agreed in writing by the Licensing Authority shall take place
2. The agreed activities shall take place only in designated areas approved by the Licensing Authority
3. Dressing rooms will be provided for entertainers and access to these will be restricted by management in accordance with approved arrangements – before, during and after the entertainment
4. The entertainment will be provided only by the entertainers and no members of the audience shall be permitted to participate
5. No audience participation shall be permitted
6. There must not be any contact by the performer with the patron immediately before, during and immediately after the performance of striptease except:
  - (a) the leading of a patron hand in hand to and from a chair or to and from a designated dance area
  - (b) the simple handshake greeting
  - (c) the placing of monetary notes or dance vouchers into the hand or garter worn by the performer
  - (d) the customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
  - (e) if the contact is accidental
7. Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden
8. Entertainers or performers not performing must not be in a licensed area in a state of undress
9. A clear notice shall be displayed at each entrance to the premises or to the licensed area in a prominent position stating “No persons under the age of 18 years will be admitted.
10. No entertainers under the age of eighteen shall take part in the entertainment, and an adequate record must be maintained of the names, addresses and dates of birth of all performers including adequate identity checks
11. No person under the age of eighteen will be allowed on the premises where the entertainment is taking place



12. The entertainment shall under no circumstances be visible to members of the public from outside the premises
13. Any external advertising at the premises shall be in a form acceptable to the Council
14. The licensee or a nominated manager shall be present on the premises at all times whilst the entertainment is taking place
15. A nominated person shall be present to oversee the activities of performers
16. A register shall be maintained and kept on the premises and be available for inspection at any time by police or officers of the Licensing Authority at all times, to clearly record the identity of the licensee(s) on duty, the day and times of start and finish of the duty, and the record shall be retained for a period of not less than 12 months after the last entry in the register

### **CCTV**

17. A CCTV system shall cover all areas where dancing will take place including any dancing booths provided. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.
18. Tape recordings shall be made available to an authorised council officer or a police officer together with facilities for viewing
19. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice

### **Door supervisors**

20. Whilst dancing takes place at least two trained door supervisors shall be employed in those parts of the premises used for dancing, unless otherwise agreed by the Licensing Authority and the Police
21. Any individual employed on the Premises to conduct a security activity (within the meaning of schedule 2 of the Private security Industry Authority) must be licensed by the Security Industry Authority

### **Club rules**

22. A code of conduct for dancers shall be produced by the licensee together with a disciplinary procedure for breaches of the code which shall be implemented if approved in writing by the Council. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council
23. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.

24. In relation to points 5 and 6 above, these procedures and rules must be produced for inspection by the Licensing Authority and the Police within 14 days of issue of the licence.

**Admission of Authorised Officers**

25. Officers of the Council, Police, and other agencies having authorisation (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

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## ANNEX F – HEARINGS PROCEDURE

**Licensing Sub-Committee**

## Procedure at meetings

1. The Chairman will briefly explain the procedure to members of the public
2. The Licensing Officer will open the hearing with an outline of the relevant details of the application
3. The applicant or his/her representative will be invited to present his/her case, at the conclusion of which he/she, together with any witnesses he/she may have called, may be questioned by Members of the Committee
4. The Committee may then invite comments from Officers and, if appropriate, representatives of such bodies as the Police and Fire Authority, following which any objectors, and others wishing to make representations in respect of the application, will be invited to make their submissions. Again opportunities to ask questions will be afforded to all of those present.
5. The applicant will then be allowed to make a final statement in response to any objections that have been raised.
6. At the conclusion of the hearing, the stage at which the Committee will wish to deliberate upon the application, the applicant will be asked to withdraw together with all other parties present. If it is necessary to recall any party to provide further information, or clarification, all parties at the hearing must be invited to return.
7. When the Committee has reached its conclusions the parties will be recalled and its decision will be announced to the applicant, accompanied by, as appropriate, a description of any conditions which are to be attached to the grant of a Licence.

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REDDITCH BOROUGH COUNCIL**LICENSING  
COMMITTEE**20<sup>th</sup> March 2023**REVIEW OF HACKNEY CARRIAGE TABLE OF FARES**

Relevant Portfolio Holder	Councillor N Nazir
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district. It is good practise to review the table of fares on a regular basis.

**2. RECOMMENDATIONS**

- 2.1 **That the Licensing Committee note the contents of the report and that no further action is required at the present time.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The costs of advertising any proposed variations to the table of fares for hackney carriages would be met from existing budgets held by Worcestershire Regulatory Services.

**Legal Implications**

- 3.2 Section 65 (1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of hackney carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.

REDDITCH BOROUGH COUNCIL**LICENSING  
COMMITTEE****20<sup>th</sup> March 2023**

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- 3.3 Section 65(2) of the Local Government (Miscellaneous Provisions) Act 1976 goes on to state:
- a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.
  - b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
- 3.4 If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in section 65 (2), or if all objections so made are withdrawn, the table of fares or variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.
- 3.5 If objections are made and are not withdrawn, the district council must set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections.

**Service / Operational Implications**

- 3.6 The Council has responsibility under the Local Government (Miscellaneous Provisions) Act 1976, for setting the maximum fares that can be charged by hackney carriage vehicles licensed to operate within the district.
- 3.7 Hackney Carriage ("Taxi") fares are made up of an initial hiring charge and a "mileage" rate, both of which are expressed in terms of distance and / or time per unit cost. This is because when a hired taxi is stationary or moving slowly in traffic the meter continues charging, but by time, instead of distance.

**LICENSING  
COMMITTEE****20<sup>th</sup> March 2023**

- 3.8 The table of fares applies only to hackney carriage vehicles. Private hire operators are free to agree their hiring charges in advance with their customers, normally at the time of booking the journey.
- 3.9 The current table of fares can be seen at **Appendix 1**. This table of fares was approved by the Licensing Committee at its meeting on 28<sup>th</sup> April 2022 and took effect on 7<sup>th</sup> May 2022.
- 3.10 Upon approval of a revised table of fares in November 2018, Members of the Licensing Committee expressed the view that the table of fares should be regularly reviewed to avoid a situation where a large increase is requested following several years without a review having taken place.
- 3.11 As it is approaching a year since the table of fares was last revised, officers have prepared this report in order to provide Members with an opportunity to review it again.
- 3.12 Prior to commencing the preparation of this report, the Chairman of Redditch Taxi Association was approached by officers to see if the Association would like to request any amendments to the current table of fares.
- 3.13 The Chairman of Redditch Taxi Association has confirmed that members of the Association do not wish to request any further increase in the table of fares at the present time as there are concerns that the cost of living crisis is already impacting on the number of people in Redditch using hackney carriages and they do not want this situation to be exacerbated by higher fares.
- 3.14 According to data from the Department for Energy Security & Net Zero, the average price per litre of ultra-low sulphur petrol and ultra-low sulphur diesel in the week when the existing table of fares took effect was:

	<b>Pence per litre</b>
Ultra-low sulphur petrol	162.48
Ultra-low sulphur diesel	177.06

**LICENSING  
COMMITTEE****20<sup>th</sup> March 2023**

- 3.15 According to the same data, the average price per litre of ultra-low sulphur petrol and ultra-low sulphur diesel at the time this report was prepared was:

	<b>Pence per litre</b>	<b>Change</b>
Ultra-low sulphur petrol	147.23	- 9.4%
Ultra-low sulphur diesel	167.33	- 5.5%

- 3.16 Whilst the price of petrol and diesel may have fallen compared to the levels they were in May 2022, it should be noted that other prices have continued to rise.

- 3.17 According to the latest data available from the Office of National Statistics when this report was produced, the Consumer Prices Index (CPI) rate of inflation in the 12 months to January 2023 was 10.1%, down from 10.5% in December 2022.

- 3.18 The Bank of England has however predicted that inflation will fall quickly during 2023. On 2<sup>nd</sup> February 2023, the Bank of England released a statement that said:

*“There are signs that inflation might now have turned a corner and begun to fall a little. We need to make sure it continues to fall and stay low.*

*We expect inflation to begin to fall from the middle of this year and be around 4% by the end of the year. We expect it to continue falling towards our 2% target after that.”*

- 3.19 Taking into account the latest fuel price data, the current rate of inflation and the views expressed by the Redditch Taxi Association, officers recommend that no changes are made to the table of fares at this time.
- 3.20 Members are therefore asked note that this matter has been reviewed and that no further action is required at the present time.



**LICENSING  
COMMITTEE**20<sup>th</sup> March 2023

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**4. RISK MANAGEMENT**

4.1 None

**5. APPENDICES**

Appendix 1 – Current Table of Fares

**AUTHOR OF REPORT**Name: Dave Etheridge – Principal Officer (Licensing)  
Worcestershire Regulatory ServicesE Mail: [dave.etheridge@worcsregservices.gov.uk](mailto:dave.etheridge@worcsregservices.gov.uk)

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**REDDITCH BOROUGH COUNCIL****TABLE OF FARES FOR HACKNEY CARRIAGES****WITH EFFECT FROM 7<sup>th</sup> MAY 2022**

	Tariff One	Tariff Two	Tariff Three
For the first 880 yards (804.7 metres approx.) or part thereof	£4.00	£5.25	£7.20
For each subsequent 176 yards (160.9 metres approx.)	£0.15	£0.15	£0.30
Equivalent to:	£1.50 per mile (1609.3 metres approx.)	£1.50 per mile (1609.3 metres approx.)	£3.00 per mile (1609.3 metres approx.)
Waiting time – for each 30 seconds	£0.10	£0.10	£0.20
<b>Extra Charges</b>			
For each dog (except guide dogs)	£1.50		
For each passenger in excess of 6	£0.50		
<b>Explanation of Tariffs Applicable</b>			
Tariff One	6am – Midnight		
Tariff Two	Midnight – 6am <u>and</u> on designated public holidays		
Tariff Three	Christmas Day, Boxing Day and New Years Day		
<b>Note</b> if the vehicle or seating is so soiled by any passenger or animal as to require cleaning, the proprietor may make a charge. This must be made clear to the passenger at the end of the journey there will be a maximum charge of £75.00.			

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**LICENSING  
COMMITTEE****20<sup>th</sup> March 2023****LICENSING COMMITTEE WORK PROGRAMME 2022/23****20<sup>th</sup> March 2023**

Delegating out of age criteria to officers – Consideration of consultation responses.

Review of Sex Establishment Licensing Policy – Consideration of consultation responses.

Hackney Carriage Table of Fares – Annual review

Verbal Update – Bleed Control Kits in Licensed Premises

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